

SENATE—Monday, May 2, 1994

The Senate met at 3 p.m., and was called to order by the Honorable DIANNE FEINSTEIN, a Senator from the State of California.

The PRESIDING OFFICER. Today's prayer will be offered by guest Chaplain Richard C. Halverson, Jr.

PRAYER

The guest chaplain, Richard C. Halverson, Jr., offered the following prayer:

As we go to pray, it would be fitting to remember that at this very moment, Nelson Mandela, the new President of the African National Congress, is addressing his people.

Let us pray:

Almighty God, we who bow to pray in this Senate Chamber stand beneath words inscribed on the wall which read, "In God We Trust." Thy divine hand of providence graciously caused these words to appear before us. And though the people of this land have different understandings of who Thou art in whom we trust, this statement has offered the possibility of a national confession of faith.

Yet we would not presume upon Thy kindness by invoking too lightly this declaration. For we recall quite a different message which appeared on the wall of another nation in the palace of Belshazzar, king of the chaldeans. We recall that all the king's wisemen—the astrologers, the chaldeans, and soothsayers—could not read the writing nor make known the interpretation thereof. And that it remained for the great Hebrew prophet, Daniel, to reveal its meaning: "Mene": God hath numbered thy kingdom and finished it. "Tekel": Thou art weighed in the balances and art found wanting. "Peres": Thy kingdom is divided and given to the Medes and Persians.

Gracious Father, let not such words of doom be cast upon this Nation. May the words "In God We Trust" remain the handwriting on the wall for this generation. Open our eyes that we may see and believe in Thee, the living God, in whose hands our breath is.

This we ask in the name of Jesus Christ, whose incarnation revealed the essence of all sacred writings, who came not to judge but to save. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 2, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DIANNE FEINSTEIN, a Senator from the State of California, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. FEINSTEIN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business, with Senators permitted to speak therein for not to exceed 5 minutes each.

The Chair, in her capacity as a Senator from the State of California, notes the absence of a quorum.

The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CRAIG. I ask that I may be permitted to speak as if in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized to speak for up to 5 minutes.

ASSAULT WEAPONS

Mr. CRAIG. Madam President, it is most fortuitous that you are in the chair today when I come to put into the Senate RECORD information that deals with legislation you and I were directly involved in last December. It is a piece of legislation—an amendment to the Senate crime bill—which bears your name.

The Feinstein amendment, a proposed amendment in that bill—I should say a portion of that bill, now—by your own words, selectively bans some 19 assault weapons from being manufactured, distributed, and sold in this market.

Following that debate and the give-and-take that you and I had here on

the Senate floor, on December 6 I wrote to the Director, John Magaw, of BATF, and asked him to analyze your legislation to see if any other firearms might be banned by that legislation.

He analyzed it, and in a letter of December 20, returned to me a listing of some 29 additional weapons that he felt fall under your legislation and could be, and more than likely would be, banned based on their writing of rule and regulation and the interpretation of your legislation.

I ask unanimous consent that that letter and that list be made a part of the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS,

Washington, DC, December 20, 1993.

Hon. LARRY E. CRAIG,
U.S. Senate,
Washington, DC.

DEAR SENATOR CRAIG: Thank you for your letter dated December 6, 1993, to the Bureau of Alcohol, Tobacco and Firearms (BATF). In your letter, you inquire about certain firearms contained in section 4502(b) of the Violent Crime Control and Law Enforcement Act of 1993 (H.R. 3355) that was passed by the Senate in November 1993. You specifically asked that AFT list any firearms, other than those specifically named, that would be affected by this legislation.

The following firearms appear to meet the general characteristics section of the bill:

RIFLES

AA Arms AR9 semiautomatic rifle
AMT Lightning 25 rifle
Auto Ordnance Thompson Model 1927 carbines (finned barrel versions)
Calico M100 carbine
Colt Sporter Rifle (all variations)
Federal XC900 carbine
Federal XC450 carbine
Grendel R31 carbine
Iver Johnson M1 Carbine (version with collapsible stock and bayonet lug)
Springfield M1A rifle

PISTOLS

AA Arms AP9 pistol
Australian Automatic Arms pistol
Auto Ordnance Model 1927A5 pistol
American Arms Spectre pistol
Calico Model M950 pistol
Calico Model 110 pistol
Claridge Hi-Tech pistol (all models)
D Max auto pistol
Grendel P-31 pistol
Heckler & Koch SP89 pistol
Wilkinson Linda pistol

SHOTGUNS

Benelli M1 Super 90 Defense shotgun
Benelli M3 Super 90 shotgun
Franchi LAW 12 shotgun
Franchi SPAS 12 shotgun
USAS 12 shotgun

The above list was compiled from currently advertised firearms. This list should not be considered to be all inclusive.

We trust that the foregoing has been responsive to your inquiry. If we may be of any further assistance, please do not hesitate to contact us.

Sincerely yours,

DANIEL R. BLACK,
(For John W. Magaw, Director).

Mr. CRAIG. Then on February 17, I once again wrote to him because there appeared in a gun magazine a list of additional semiautos that some gun interests felt might be banned by your amendment to the Senate crime bill. That list included 180 different weapons.

The letter that I got in return from BATF came to me April 1, in which they examined the 180-plus different weapons. They subtracted out the 29 that they had proposed in their December 20 letter, and here are his exact words:

The majority of the firearms contained on the enclosure in your letter would be assault weapons as that term is defined in the Feinstein amendment. The following firearms on your list would not be assault weapons.

And they list several, and then go on to say, "but the majority are and would be banned by the Feinstein amendment."

I ask unanimous consent that my letter, a list of those weapons that I sent to him, and the response letter from the Director of BATF be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, February 17, 1994.

Attn: JOHN W. MAGAW.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS,
Washington, DC.

DEAR DIRECTOR MAGAW: Thank you for your quick response to my request for a list of the firearms that would be banned as a result of the Feinstein amendment to the Senate Crime bill, now Section 4502 of S. 1607.

Since you stated your list is not inclusive and additional firearms may be added to it, could you tell me:

1. Would any of the firearms listed in Appendix A of the Feinstein amendment (that is, Section 4510 of S. 1607) be banned under the criteria given in the amendment?

2. Did BATF personnel assist in the compilation of Appendix A?

3. Is it possible to develop a comprehensive list of potentially banned firearms? If so, can you estimate how long it would take to develop such a list?

4. Would the firearms on the attached list be banned?

5. To the extent that the criteria for banning focus on cosmetic features, do you agree that virtually any firearm on the list could be modified (such as by removing a bayonet lug or flash suppressor) to remove it from the definition of banned "assault weapon"?

6. Please provide me with whatever data your agency has concerning the number of crimes committed in the last five years with each of the firearms restricted by S. 1607.

7. Please provide me with whatever data the BATF has concerning the number of crimes committed with each of the firearms that are mentioned in your letter, or other firearms of this "type" on which you have not yet reached a decision.

Your continued assistance is greatly appreciated.

Sincerely,

LARRY E. CRAIG,
U.S. Senator.

Enclosure.

AO-9 Assault Pistol,
American Arms AKY39 Rifle,
American Arms AKF39 Rifle,
American 180,
Anschutz Deluxe Model 520/61,
AR-10 Semi-Auto Rifle,
Argentine FALs,
Armalite AR-180 Sporter Carbine,
Armstrong Model 1600,
Armstrong AK-22,
Armstrong M-14 Semi-Auto Rifle,
Australian Automatic Arms SAC,
Australian Automatic Arms SAP,
Australian Automatic Arms SAR,
Australian Automatic Arms SP Hunting Rifle,
Australian Automatic Arms SP-20 Hunting Rifle,
Australian L1A1 FAL,
Auto-Ordnance Mod 1927A-3,
Auto-Ordnance 1927-A5 Pistol,
Barrett Light-Fifty,
Beretta AR-70 Sporter,
Beretta SC-70 Carbine,
Bushmaster Auto Rifle,
Bushmaster Rifle,
Bushmaster Auto Pistol,
Calico Model 100 Pistol,
Calico Model 900 Carbine,
Calico Model 951 Tactical Carbine,
CETME Rifle,
Clayco AKS Rifle,
Cobray M-11,
Cobray M-11/9,
Cobray 9mm Carbine,
Cobray Cobray M-12,
Colt AR-15,
Colt AR-15A2 Carbine,
Colt AR-15A2 H-BAR,
Colt AR-15A2-Delta H-BAR,
Colt Match Delta H-BAR,
Colt Sporter Lightweight,
Colt Sporter Target,
Commando Arms Carbine,
Daewoo Ar110C,
Daewoo AR100,
Demro TAC-1 Carbine,
Demro XF-7 Carbine,
Eagle Arms EA-15 Action Master Auto Rifle,
Eagle Arms EA-15 Auto Rifle,
Eagle Arms EA-15 E1 Carbine,
Eagle Arms EA-15 E2 Carbine,
Eagle Arms EA-15 E2, H-BAR,
Eagle Arms EA-15 Golden Auto Rifle,
Egyptian Maadi AKM,
Egyptian Maadi "Thumbhole AKM",
EMF AP-74,
Encom Mk IV,
FAMAS Semi-Auto Rifle,
Feather AT-9 Carbine,
Feather AT-22,
Feather Mini-AT,
Feather SAR-180 Carbine,
Feather Saturn 30 Rifle,
Federal Model XC-220,
Federal XC900 Pistol,
Federal SC450 Pistol,
Fed Ord M-14 Rifle,
F.I.C./Franchi Fara Carbine,
FN-FNC,
FN "G Series" FALFN-LAR Competition Auto,
FN-LAR Heavy Barrel .308 Match,
FN-LAR Model 50-63,
FN-LAR Paratrooper Model 50-64,
Galil AR,
Galil ARM,

Galil Sniper Rifle,
Galil Sporter,
Goncz High-Tech Carbine,
Goncz High-Tech Long Pistol,
Grendel R-31 Auto Carbine,
Heckler & Koch PSG-1 Marksman Rifle,
Heckler & Koch VP 70Z Pistol,
Heckler & Koch 91,
Heckler & Koch 93,
Heckler & Koch 94,
Holmes MP-22,
Holmes MP-38,
Holmes MP-83,
Intratec Scorpion,
Intratec TEC-9,
Intratec TEC-DC9,
Intratec TEC-22,
Israeli FALS,
Iver Johnson Enforcer Model 3000 Auto,
Iver Johnson PM30HB Carbine,
Kassnar SA 85M AKM,
Kassnar SA 85M "Thumbhole AKM",
MAC-10 Semi-Auto,
MAC-11 Semi-Auto,
Micro Uzi Pistol,
Mini Uzi Pistol,
Mitchell AKM,
Mitchell AK-22,
Mitchell Galil/22,
Mitchell Heavy Barrel AKM,
Mitchell MAS-22,
Mitchell M-1622,
Mitchell M-76 Counter Sniper Rifle,
any M1 Carbine with folding stock,
Norinco MAK-90 Rifle,
Norinco MAK-91 Legend Rifle,
Norinco Officer's Nine Carbine,
Norinco RPK Rifle,
Norinco Type 81S Rifle,
Norinco Type 81MGS Rifle,
Norinco Type 84S AK,
Norinco Tuypye 85S "Bullpup" AK Rifle,
Noninco Type 86S-7 Rifle,
Noninco Type 88SB Rifle,
Olympic Arms Car-9,
Olympic Arms CAR-15,
Olympic Arms CAR-40,
Olympic Arms CAR-45,
Olympic Arms CAR-310,
Olympic Arms K-4 AR-15 Rifle,
Partisan Avenger,
Poly Technologies AK-47/S,
Poly Technologies AKS-762,
Poly Technologies AKS-762 Down Folder,
Poly Technologies AKS-762 Side Folder,
Poly Technologies M-14/S,
Poly Technologies RPKS-74 Assault Rifle,
Ruger Mini-14/5,
Ruger Mini-14 with folder stock,
Scarab Skorpion Pistol,
SIG AMT,
SIG PE-57,
SIG SG 550-2 SP Rifle,
SIG SG 550-2 SP Carbine,
Smith Enterprises M-15 Semi-Auto Rifle,
Spectre Carbine,
Spectre DA Pistol,
Springfield Armory SAR-3,
Springfield Armory SAR-48 Standard,
Springfield Armory SAR-48 Bush Rifle,
Springfield Armory SAR-48 Heavy Barrel,
Springfield Armory SAR-48 Para,
Springfield Armory SAR-4800,
Springfield Armory M1A Super Match,
Springfield Armory M1A-A1 Bush Rifle,
Springfield Armory BM-59 Italian Model,
Springfield Armory BM-59 Alpine Model,
Springfield Armory BM-59 Alpine Para-trooper Model,
Springfield Armory BM-59 Nigerian MK IV Model,
Springfield Armory M-21 Sniper Rifle,
Sterling Carbine,
Steyr AUG-SA,

Seet Sweeper Shotgun,
Striker 12 SE-12 Shotgun,
SVD "Tiger" Sniper Rifle,
Universal 100 Carbine,
USAS-12 Auto,
Uzi Pistol,
Uzi Carbine,
Valmet M-62/S Rifle,
Valmet M-71/S Rifle,
Valmet M-76 Standard Rifle,
Valmet M-78 Rifle,
Valmet M-82 Bullpup Rifle,
Valmet Hunter Rifle,
Weaver Arms Nighthawk,
Wilkinson "Terry" Carbine, and,
XM 231S Semi-Auto Pistol.

DEPARTMENT OF THE TREASURY, BU-
REAU OF ALCOHOL, TOBACCO AND
FIREARMS,

Washington, DC, April 1, 1994.

Hon. LARRY E. CRAIG,
U.S. Senate,
Washington, DC.

DEAR SENATOR CRAIG: This is in response to your letter of February 17, 1994, to the Bureau of Alcohol, Tobacco and Firearms (ATF). In your letter, you inquire about various firearms that would be banned as a result of the Feinstein amendment to the Senate Crime Bill (section 4502 of S. 1607).

The firearms contained in Appendix A of the Feinstein amendment to the Senate Crime Bill would not be banned under the criteria given in the amendment as presently written. ATF personnel did not assist in the compilation of the list of firearms contained in Appendix A.

With respect to your question concerning the development of a comprehensive list of potentially banned firearms, the majority of semiautomatic firearms could be modified by the addition of features such as pistol grips, folding stocks, flash suppressors, etc., such that their modified configuration would make them subject to the definitions of assault weapon as contained in the Feinstein amendment. Therefore, it would not be possible to formulate such a comprehensive list.

The majority of the firearms contained on the enclosure in your letter would be assault weapons as that term is defined in the Feinstein amendment. The following firearms on your list would not be assault weapons:

Commando Arms Carbine,
Feather Saturn 30 Rifle,
F.I.E./Franchi Para Carbine,
Heckler & Koch VP70Z Pistol, and
Valmet Hunter Rifle.

The Springfield Armory SAR4800, Egyptian MAADI Thumbhole AKM, Galil Sporter, Norinco MAK-90, and Norinco MAK-91 Legend rifles are modified versions of semiautomatic rifles listed in the Feinstein amendment. Therefore, we are uncertain of their status under the amendment.

The following firearms contained on your list cannot be positively identified; therefore, we are unable to comment on their status under the Feinstein amendment:

AO-9 Assault Pistol,
Micro Uzi Pistol,
Mini Uzi Pistol,
Universal 100 Carbine, and
XM 231S Semi-Auto Pistol.

You also asked if virtually any firearm on the list of assault weapons could be modified by eliminating the bayonet lug, flash suppressor, or other accessories to remove the firearm from the definition of a banned or assault weapon. The vast majority of the firearms meeting the definition of assault weapon as contained in paragraphs (B), (C), and (D) of the Feinstein amendment could be

modified to remove them from that definition.

As requested, enclosed are the lists of the firearms and types of crimes involved that have been reported to our National Tracing Center. The lists cover weapons restricted by S. 1607 and those firearms mentioned in our previous letter. Also enclosed is an explanation of the crime codes used on the requested lists.

We trust that the foregoing has been responsive to your inquiry. If we may be of any further assistance, please do not hesitate to contact us.

Sincerely yours,

JOHN W. MAGAW,
Director.

Mr. CRAIG. Madam President, the reason I say this is just to lay facts and frustrations on the RECORD because I, in no way, question the intent or the integrity of the Acting President pro tempore and the intent of her legislation. The problem is there is a very real question as to what it does and does not do. We all know in the business of making public policy that once it gets to the agency and the agency interprets through rules and regulations, a lot of things can change.

Here we have the Director of BATF saying that, by their initial overview, at least 180 more weapons than are proposed in your amendment, by your own words, could likely fall under the proposed ban.

There is another reason for making this statement. Today, the President took issue with this and is making it a major crusade because there will be a vote in the House in the next few days. He said, and I quote from a statement this morning:

This is a lay-down, no-brainer issue.

Well, Madam President, my guess is that it is a no-brainer issue or, at least to date, people who are working the issue have not studied it enough to determine, as I have argued on this floor, that it has to be a brainer issue or we, in fact, take away from law-abiding citizens their right.

So I ask the Members of the House to read the RECORD today and the inserts I have put in the RECORD before they debate this issue on the floor of the House in the coming days. It is a critical and necessary issue that we understand what all this is about.

SPEECH OF SENATOR MALCOLM WALLOP

Mr. CRAIG. Madam President, let me broach one very brief additional subject for an enclosure in the RECORD.

As you know, our colleague from Wyoming, MALCOLM WALLOP, will be retiring from the Senate at the end of this session of Congress. He has been a tremendous leader for all of us, a very loud, clear voice for Western issues and for conservative principles, and I applaud him for his leadership over the years.

I ask unanimous consent that a speech that he gave to Cato Institute

on March 26 called "The Issue Is Freedom" be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE ISSUE IS FREEDOM

Anyone listening carefully to President Clinton's State of the Union speech would have noticed something peculiar. Only once was the word "freedom" used. And, it was used in the ironic assertion that the Clinton health plan "preserves" freedom. Claiming it would preserve the freedom of Americans to choose whatever health plan they may desire, he left unspoken that he Clinton would severely restrict the number of those plans, their doctors and their hospitals. He claims to provide freedom while promoting an extensive intrusion of the federal government into private lives and choices.

Unfortunately, this is no singular invasion. The Democrats have unleashed a multi-frontal attack on freedom. Just consider the Senate actions over the past week. The Senate yesterday approved S. 4, the Democrats attempt to revive central government planning through an industrial policy. At the same time we were debating this dangerous proposal, the Senate Finance Committee was holding a hearing on the Uruguay Round of trade agreements. Were we discussing the elimination of trade barriers, the expansion of free trade? No. The hearing explored how a new world of government subsidies to industry would be incorporated into the trade agreement.

This dubious concept is described as the "green light" proposal—that is, the international trading community will give a green light to more government interference in the economy. With all our encouragement of government industrial planning, can any one seriously blame the Russian Parliament from backsliding on their economic reforms?

This attempt to expunge "freedom" from the political discourse is the defining issue of this decade. The Democratic Party, as the party of the expanding federal state, clearly has no desire to promote a free people. Freedom cannot exist absent restrictions on the powers of the state and bureaucracy. Democrats represent the interests and its values of those who live by the state. Their philosophy is one of control. A free people is an impediment to the efficient state. It is no wonder that they have banished "freedom" from their philosophy. In its place, they promote "statism".

What about the Republican Party? The Republicans, as reinvigorated by Ronald Reagan fourteen years ago, seemed rededicated to freedom. Let me quote a defining message for the Republicans. "We are a nation that has a government—not the other way around. And this makes us special among the nations of the earth. . . . It is time to check and reverse the growth of government which shows signs of having grown beyond the consent of the governed. . . . It is not my intention to do away with government. It is, rather, to make it work—work with us, not over us; to stand by our side, not ride on our back. Government can and must provide opportunity, not smother it; foster productivity, not stifle it. . . ."

These words, spoken by Ronald Reagan in his first Inaugural address, are an embarrassing reminder of what Republicans could stand for. Could, but as often as not do not, any more. Today, too many Republicans prefer to be Democrat Lite. As any beer connoisseur can tell you, Lite is a tasteless, repugnant concoction.

The task of conservatives is to challenge the Republican party to return to its true principles rather than trying to mirror Democrats. The alternative is corruption. The issue is corruption. Never has government been more corrupt. No, not more venal nor dishonest but corrupted by anonymity and uncontested power. Government reaches every life big and small. How ironic that we, a free democracy, won the Cold War against Communism, but now seem incapable of preventing the growth of powerful centralized government—and even seem to embrace its concept—here in America.

The Democratic Party and the threat of big government is hardly a recent problem. It did not begin with Clinton or Carter, LBJ or FDR. We must go back to the turn of the century, and another Roosevelt, Teddy, as the source of the modern welfare state. The Progressive era created the desire for government intervention. It was inspired by a real problem, namely how would a rapidly industrializing society maintain a representative government that promotes the common welfare.

Rather than relying on the principle of freedom based on federalism and free markets, Progressives turned to expanding the federal government. The first step was to utilize the Commerce Clause in the Constitution to expand the powers of Congress. Such contemporary failures as the Superfund program and such modern burdens as the Americans with Disabilities Act owe their genesis to an expanded reading of the Commerce Clause. It has meant that Congress could regulate, could mandate, nearly anything—and, unchallenged, it has.

The Progressives were inspired. As Samuel Elliot Morrison states in his *History of America*, the Progressives "looked forward to a 'welfare state' controlled by Congress but staffed by an intelligent and dedicated bureaucracy." Even back then Republicans lost their bearings. The Republican Roosevelt created the Cabinet Departments of Commerce and Labor. His Republican successor, William Howard Taft, promoted the 16th Amendment to the Constitution—the federal income tax. That is the kind of mischief that results when political parties compete to promote statism.

The result is best summed up by a 1917 Supreme Court decision. Coming at the end of the Progressive era, the court declared "there can be nothing private or confidential in the activities and expenditures of a carrier engaged in interstate commerce."

We can see a straight line of that thinking down to today. The attitude is afoot that the federal government can interfere in the activities of any individual engaged in any private enterprise.

While some turn of the century Republicans aided and abetted the birth of this statism, we find today that many Republicans, some who even claim to be conservatives, continue to promote big government. George Will has written about the corrupting effect of big government. But he disdains what he calls "pillage and burn conservatism", something he finds "unlovely." His problem, the problem of too many Republicans, is that we assume big, and perhaps bigger, government is here to stay and that the only question is who will rule it. They are wrong. Disdain for modern big government is wise, patriotic, and even lovely. Al Gore and George Will agree on reinventing government without realizing that Americans don't want it to be better able to deny them liberty.

Let me remind you that the roots of our problem, the Progressive reformers, argued

that power and wealth in America was distorted. Yet, by the end of the Progressive era, power was even more concentrated in the federal government, and the income of the average American had not improved. While the Progressives tried to subdue the robber barons of commerce and trade, they themselves became the robber barons of personal liberty. It was not until the 1920s that incomes improved—a period in time when free market ideas flourished, and government interference was subdued. This period of growth, of course, crashed to a halt when Congress imposed new trade tariffs in 1929.

It would be wise for conservatives to revive the idea that even when we are the government, government must be the enemy. Its very nature is subsuming and must be confronted on principle. One of my favorite observations by Alexis de Tocqueville, describes this predicament:

"After having thus successfully taken each member of the community in its powerful grasp, and fashioned him at will, the supreme power then extends its arm over the whole community. It covers the surface of society with a network of small complicated rules, minute and uniform, through which the most original minds and the most energetic characters cannot penetrate, to rise above the crowd. Thus will of man is not shattered, but softened, bent, guided; men are seldom forced by it to act, but they are constantly restrained from acting: such a power does not destroy, but it prevents existence; it does not tyrannize, but it compresses, extinguishes, and stupefies a people, 'til each nation is reduced to be nothing better than a flock of timid and industrious animals, of which the government is the shepherd."

True conservatives have a clear message. We must resist the promise of comforts delivered by a powerful state in exchange for bits of liberty easily ceded and virtually unrecapturable. An all powerful state will casually but cruelly exercise its power and often seems to be of service when doing so. (To use an odd example—Mississippi lesbians, Waco cults, Northwest supremacists.)

The corruption of statism goes hand in hand with the growing anonymity of power, of politics. Members of Congress continually vote to give vast amounts of power to the federal bureaucracy. Broad policy goals are written into statute. The Occupational Safety and Health Act, passed in 1970, is only a few pages long. It delegates to the bureaucracy extensive police and regulatory powers. Bureaucrats set workplace health standards based on questionable or non-existent risk assessment. Americans spend \$47 million per individual to reduce suspected health exposures. Fines are imposed, costs mandated and no one can be found who voted to do this. Other laws are equally vague and burdensome.

Look at the Americans with Disabilities Act. That is a gold mine for bureaucrats writing the regulations required or desired, and lawyers looking for fees love it—Americans fail in front of it. As I found out several days ago, small communities in my state cannot or are not even allowed to resurface a road because it requires curb ramps to be installed simultaneously.

Much has been made about the 1300 pages in the Clinton Health Act. It is long simply because it seeks to totally restructure and regulate one seventh of our economy. The original Medicare Act was less than one hundred pages. Even with the 1300 pages, the regulatory authority given to the bureaucrats will be enormous. The regulations they enact

will be anonymous. No Senator will have voted for them, yet all Americans must abide by them. No one will be accountable, because no one will be responsible.

The message of liberty and freedom does not need shaping—it needs amplifying and implementing. But more importantly, we must do more than talk. We have had enough—no, we have had much too much—of politicians, Republican and Democrat alike, who espouse conservative rhetoric while enacting liberal policies. George Bush's Clean Air Act and Civil Rights Act and Americans with Disabilities Act and tax increases were not the policies of conservative government. They were the policies of more government. Statist, elitist and commanding, and Bill Clinton is no new Democrat! He is a big government Democrat.

Government, in the past six years, has crossed a threshold beyond the managing of our economy and meddling in our lives to which we have unfortunately become accustomed. We are faced today with a virtually socialistic administration reaching for unprecedented government intervention into every aspect of each of our lives.

Today the new embrace of government demands we forswear liberty in exchange for safety, education and health. Freedom is sacrificed for the promise of security.

Look at the administration's three principle efforts:

1. National education bill—goals 2000
2. National crime bill—federalizing both the police and courts
3. National health care

While believing government has failed to adequately perform its appropriate tasks, an ever-increasing majority of Americans views government as an out-right adversary; in fact, we fear it. Rather than seeing government as a protector of our rights, we seek to hide from it lest it take notice of us and deny even more.

Bill and Hillary Clinton today unapologetically promote the-bigger-is-better ideology of government rejected by the American people. Clinton advocates programs which Americans adamantly oppose, and governs amidst swirling accusations of unethical and amoral personal conduct. Yet he remains relatively popular. Why?

While not agreeing with where he is going, Americans perceive that he is at least leading. That leadership is contrasted to an opposition party which knows little but the "me-too" Republicanism of compromise and conciliation. Whatever new proposals the Clintons' offer, Republicans want just a little less of the same. Senator Lauch Faircloth of North Carolina described this tendency with his usual insight: "if the Democrats introduced a bill to burn down the Capitol, we'd offer a compromise to phase it in over three years."

The task for us, as conservatives, is as clear as our message. Good government is self-government. Self-government is not anonymous. The people are ready even if their leaders are not. The people are stirring. And I tell you that as the Republican party was born from the ashes of the Whigs so to can a new party rise from the ashes of a party refusing to confront the defining issue of the day—American liberty.

Last month National Review kindly published an article I wrote entitled "Can the GOP take America Back?" The responses I received from NR's readers suggest that Americans hunger for conservative leadership.

In my article, I enumerated broad philosophical guidelines for conservative action:

cut taxes, stop thinking of entitlements as rights, privatize rather than further socialize medicine, de-regulate everywhere, end federal and judicial tyranny over the states, restore personal responsibility, abolish racial and other special preferences, restore control of education to parents, curb crime, restore communal moral standards.

Do we need a federal Department of Education? It has squandered over \$400 billion in its 20 years of existence—yet educational achievements have plummeted. It should be abolished, and control of schools should return to the local level. That is one way to circumvent those who oppose school choice.

Welfare should be returned to the states as a block grant. And, the crime bill should, I reluctantly conclude, not be passed.

While Congress tries to address the crime issue with greater federal mandates and controls, the destruction of the family and moral values, coupled with the revolving jail-and-court house door, remain the real problem today. Borrowing from my friend Bill Bennett's concise analysis, welfare and illegitimacy are the root cause of our crime problem today: undisciplined groups of unsocialized males allowed to run amok unsupervised in our neighborhoods. Conservatives ought to be for more than just locking up the criminals. We must embrace basic values and demand good citizenship. Fix the welfare problem, and you have made a giant step toward solving the crime problem.

We must start, now, to question the premise of each government program and activity. Every government program, existing or proposed, should be judged against a simple standard:

- (1) does it restrict or increase the growth of government?
- (2) Does it expand or deny personal liberty?
- (3) Will it create or diminish economic growth?
- (4) Will it foster or deny America's traditional values?
- (5) Will it ensure or diminish Americans' security?

The very premise of a government program or proposed activity is flawed, and it should either be abolished or it should not be created unless in each instance the basic interest of a free people lies first.

These may well be radical proposals inside the Beltway, but they are mainstream to main street America. If you doubt that, just look at the popularity today of Rush Limbaugh and the burgeoning circulation of conservative publications. Even in the hotbed of liberalism of Washington, D.C., G. Gordon Liddy has a successful conservative radio talk show and Armstrong Williams attracts both black and white to conservatism.

Conservatives have the right message for the American people. And today, more than at any time in recent years, we have a unique opportunity to find new ways of conveying that message, of reframing the debate. We have innovative and creative ideas—and ideas do have consequences. Leaders of courage and principle can put our ideas into practice and the state put into retreat.

Government was not meant to possess us, rule us, encompass us, judge for us, substitute for us. It was meant to serve us. We were founded as a noble self governing tribe of free peoples respecting each other as Americans under God—not under Washington. Americans know this even if their government does not.

Since we are meeting in the F. A. Hayek Auditorium, let me conclude with a quote

from Dr. Hayek: "By giving the government unlimited powers the most arbitrary (and I would add 'anonymous' and 'corrupting') rule can be made legal, and in this way a democracy may set up the most complete despotism imaginable."

TAIWAN RELATIONS ACT AMENDMENT

Mr. MURKOWSKI. Madam President, today the State Department authorization bill has been sent to the President for his signature. I rise to speak about a particular provision of that bill, section 531, because it is an important statement on United States policy toward Taiwan.

Back in July of last year, I added an amendment to the State Department bill that reaffirmed the primacy of the Taiwan Relations Act, as the law of the land, over the 1982 Joint United States-China Communique—the Shanghai Communique—a statement of policy. This amendment passed the Senate Foreign Relations Committee by a 20-to-0 vote.

I would remind this body that the Taiwan Relations Act was passed back in 1979 by a greater than two-thirds vote of each House. It is the cornerstone of our relationship with Taiwan. The Shanghai Communique, on the other hand, was the result of Executive communications that were never ratified by this body.

Last week, the House and Senate conferees accepted a substitute of my original amendment in the form of a statement of Congress that retained the intent of the original language to reaffirm the primacy of the Taiwan Relations Act [TRA] over statements of policy. I believe this amendment is also significant because it reasserts Congress' role, together with that of the President, in determining the extent of defensive arms sales to Taiwan.

To understand the intent of the congressional statement, I think it is important to look at the relevant language of the TRA and the Shanghai Communique:

Section 3(a) of the TRA says:

The United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.

Section 3(b) says:

The President and the Congress shall determine the nature and quantity of such defense articles and defense services based solely upon their judgments of the needs of Taiwan * * *

In the Shanghai Communique, on the other hand, the administration pledged:

To reduce gradually its sales of arms to Taiwan, leading over a period of time to a final resolution.

The language adopted by the conferees simply reasserts the primacy of domestic law over nontreaty understandings, and gives notice to the ad-

ministration that Congress has not been consulted properly over the continuing refinement of United States arms sales policy toward Taiwan.

This congressional statement reflects my concern and the concern of many of my colleagues over China's military modernization, its increased military spending, and its territorial claims. The increased threat from China is real. China is the only declared nuclear power increasing its defense budget and military capabilities—an estimated 22 percent increase over last year. China also reaffirmed its right to use force against Taiwan in its white paper on the Taiwan question last summer.

Section 531 of the State authorization bill calls on the President to assess changes in PRC capabilities and intentions on a regular basis in considering whether it is appropriate to adjust arm sales to Taiwan. The language of the amendment makes clear that the United States Congress is committed to providing Taiwan the defensive means necessary to ensure its safety.

My intent in pushing for this amendment was to point out the inconsistency between telling the Taiwanese that we will provide for their defensive needs, but then arbitrarily limiting what we would sell them. I am referring here to the so-called "defense bucket." As a result of the Shanghai Communique, the "bucket" of defensive articles and defensive services to Taiwan has been declining—from about \$820 million in 1982 to approximately \$580 million in 1993.

The TRA is explicit that the nature and quantity of defensive arms transferred to Taiwan would be based solely upon the judgment of the President and the Congress of the needs of Taiwan. Thus, whether we are talking about sales of United States manufacturing equipment on third-country ships in the Taiwanese Navy or ballistic missile systems, the decision must be based on Taiwan's needs, and not on arbitrary principles.

I am pleased that Secretary of State Warren Christopher sent me a private letter, as part of our discussion of this amendment, which reaffirms the administration's commitment to the provisions of the TRA, including acknowledging the TRA's legal precedence over the Shanghai Communique.

But, Madam President, more changes are needed in United States policy toward Taiwan. This country must treat Taiwanese with the respect she deserves as the world's 14th largest economy and the United States' 6th largest trading partner. Taiwan also holds the world's largest foreign reserves. Taiwan is a dependable friend to the United States and a good International citizen.

Many United States policies are simply out of date, out of line with the practice of our major European allies, and out of touch with current realities

in East Asia—including the fact that Taiwan and the PRC are themselves exchanging citizens and trading, and that Taiwan has invested over \$10 billion in the PRC.

I would like to share with you a few examples of policies that should be changed.

First, the administration should change the policy prohibiting high-level contacts with Taiwanese officials. The current lack of high-level exchanges is unnecessary and particularly hypocritical by the Clinton administration. For example, last week it is reported that President Clinton dropped in on a meeting in the White House between Vice President AL GORE and Tibet's exiled leader, the Dalai Lama. This week, Hong Kong's Chief Secretary, Mrs. Anson Chan, paid official visits to the State Department and the National Security Council. In addition, Yasser Arafat visited the White House earlier this year. None of these individuals have official U.S. diplomatic status, but in each case the White House made a policy decision to have contact because of an important goal that it would help advance. The same rationale should apply to Taiwan.

Such a change in policy to allow high-level visits has historical precedence. President Bush sent USTR Carla Hills to visit Taiwan. I encourage the administration to send Secretary of Commerce Ron Brown or USTR Mickey Kantor to Taiwan this summer. The administration should also allow Taiwan's economic minister to visit his counterparts in the United States.

The second change that the administration should allow is a change in the name of Taiwan's representative office here. Currently, the Taiwanese who conduct nondiplomatic activities here are forced to live with an acronym more appropriate for a basketball league: CCNAA, the Coordinating Council of North American Affairs. Who could make the connection to Taiwan if it you were not told directly. This is silly, especially for a country that has substantial economic and trading ties with the United States. Let the Taiwanese change the name to something that at least identifies its place in the world, such as the Taipei Representative Office in Washington.

A third practice that must change is the issuance of visas. Currently, when an American gets a visa for Taiwan it bears a Hong Kong stamp. This is another example of a policy that bears no relationship to any rational policy. More importantly, this is a policy that absolutely must be changed because of events. What will we do in 1997 when Hong Kong reverts to China's control?

Finally, the administration should take steps to support Taiwanese membership in multilateral institutions, such as the GATT, APEC, and the United Nations.

Senator HANK BROWN and I included a "sense of the Congress" in the State

Department bill, section 508, urging the President to send Cabinet-level appointees to Taiwan and to take other steps to show clear United States support for Taiwan both in our bilateral relationship and in multilateral organizations such as the GATT and the United Nations.

Madam President, I have been told that the administration is conducting an interagency review of its Taiwan policy. I have been told that this interagency review has been going on since at least last July. I hope that the administration will listen to these recommendations as they finalize their review. I know that many of my colleagues would support these changes, and I ask my colleagues to communicate their views directly to the administration.

Before concluding, I would like to thank my colleagues on the Senate Foreign Relations Committee, in particular Senators PELL and HELMS, for their steadfast support of my amendment at conference.

I would also like to thank National Security Adviser Tony Lake, Ambassador Winston Lord, Congressman HAMILTON, and their staffs for working with me and my staff in reaching an agreement in conference on the language of the substitute amendment.

AMBASSADOR FOR BURDENSARING

Mr. LAUTENBERG. Madam President, I am pleased that the conference agreement on the State Department authorization bill requires the State Department to have an Ambassador for Burdensharing who will be confirmed by the Senate and who will focus exclusively on burdensharing. I worked with Senator BYRD and others to ensure that this important position would not be eliminated as part of the State Department's reorganization effort.

Several years ago, the Congress mandated that the administration create an Ambassador at Large for Burdensharing. The administration sought to eliminate that position and create instead a Special Envoy for burdensharing. The House version of this bill did in fact eliminate the Ambassador at Large for Burdensharing.

When the Senate considered its version of the bill, Senator BYRD and I offered an amendment to restore the position. Our amendment was adopted by the full Senate.

I am pleased that the conferees preserved an Ambassadorial-level position at the State Department who will focus exclusively on burdensharing. I look forward to Senate confirmation of this position and to seeing some progress on this issue.

I understand the State Department's desire to simplify and control its own organizational structure. But, at the same time, I was concerned that elimi-

nating the statutory requirement for a Burdensharing Ambassador would send exactly the wrong signal to the allies. I was concerned that at a time when the allies ought to be doing more to defend our collective security, eliminating the position would indicate that the United States is placing less of a priority on the issue of burdensharing. I was concerned that it would undermine our Government's efforts to ensure the allies will make good on commitments to provide compensation for the value of the investment America has made in the military infrastructure as we withdraw from Europe.

Madam President, the Burdensharing Ambassador preserved by this bill will be responsible for ensuring that the allies pay us for the infrastructure we leave behind as we close military bases and withdraw our troops from Europe.

With the demise of the Soviet Union and the reduced threat of an invasion of Western Europe, the Pentagon announced plans to close or reduce our presence at 867 military sites overseas. Most are in Europe, where America has already closed 434 military sites. These closures are part of an overall plan to reduce United States troop strength in Europe from 323,432 in 1987 to 100,000 by the end of 1996.

When we close bases in Europe, we bring our troops home, but we leave buildings, roads, sewers, and other physical improvements behind. This valuable infrastructure, which cost us \$6.5 billion to build, represents a significant American investment in the collective security of the West. Through a series of residual value agreements, some allies have acknowledged they will inherit all the structures we built. As a result, they agreed to repay us for what we leave behind.

Despite those agreements, so far we have gotten a lot of talk and very little cash. We have recouped only \$33.3 million, less than 1 percent of our initial investment. Most of that money was recovered in 1989.

Our military drawdown has been rapid since 1990, but our European allies do not appear to be in a similar hurry to pay us what they agreed to pay. In Germany, we have already withdrawn from over 60 percent of the military sites slated for closure. Yet the German Government has only budgeted \$25 million this year to compensate us—when our overall capital investment in German bases is almost \$4 billion. To be sure, the amount we can recover from Germany is subject to negotiations. The \$4 billion capital investment may not reflect the current value of the facilities.

The Burdensharing Ambassador will be intimately involved in these negotiations to get the allies to pay.

Clearly, collecting this money from the allies will not be easy. Europe's economies have lagged behind ours. German citizens are no more eager to

pay America for its military infrastructure than many Americans were to pay to maintain that infrastructure for the past 40 years. But, a deal is a deal.

The Ambassador for Burdensharing will also be tasked with the responsibility of securing increased commitments from the allies for the cost of maintaining our troops overseas. We spent \$10 billion last year just to operate our forces and maintain military installations in foreign countries, mostly in Europe. That does not include the substantial cost of paying our soldiers and buying their weapons. In fact, in fiscal year 1993, according to Department of Defense figures, our NATO Allies paid less than 25 percent of the costs of maintaining troops in their countries while Japan paid more than 75 percent. If the European allies matched the Japanese contributions, the Congressional Budget Office estimates we could save the United States taxpayer \$9.6 billion over 5 years.

The NATO Allies have not just failed to pay for the infrastructure we leave behind. They also refuse to pay for the infrastructure required to keep our forces at foreign bases today. And the cost of that infrastructure is rising. The administration wants Congress to provide more than \$300 million to support new military infrastructure and projects in NATO countries next year.

Even worse, the money we spend to defend Europe is cutting into our own military readiness to respond to conflicts, according to Gen. David Maddox, Commander in Chief, United States Army, Europe.

With persistence, our Government should be able to recoup billions from our NATO Allies. After the Persian Gulf war, the international community pledged \$54 billion to offset costs of U.S. military activities. With a nudge from the Congress, our Government pressed the Gulf allies until they provided every penny. We can and should do the same in this case.

Madam President, the Ambassador for Burdensharing has a big job. I am pleased the conferees have agreed that our Government needs to task one individual to focus exclusively on this issue. Now that the conference report has been adopted, I trust that the State Department will act aggressively to support this position and the Ambassador's efforts to collect the money we are owed.

ADOPTION OF CONFERENCE REPORT ACCOMPANYING H.R. 2333, STATE DEPARTMENT AUTHORIZATION BILL

The ACTING PRESIDENT pro tempore. The Chair will note for the RECORD that the conference report on H.R. 2333 was adopted on Friday, April 29, 1994, pursuant to the order of Tuesday, April 26, 1994.

Mr. CRAIG. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IMPLICATIONS OF LIFTING ARMS EMBARGO AGAINST BOSNIA

Mr. WARNER. Madam President, I would like to address the Senate on two subjects. First, a letter which I am sending today to the Secretary of State and an identical letter to the Secretary of Defense. Both letters contain a series of questions relating to the implications of a lifting of the arms embargo against Bosnia.

The distinguished Republican leader, together with a distinguished group of cosponsors, last week put before the Senate a bill that would have the effect of lifting the arms embargo against Bosnia. The cosponsors interpreted that lifting as possibly being unilateral for the United States.

First, I commend the Republican leader and each of the cosponsors because this is a critical issue. It is one that should be thoroughly debated by the Senate and then a vote held. I am pleased that their leadership—individually and collectively—appears to be bringing this important debate to the Senate for a second time this week. I hope to participate actively as I did during the course of the last debate.

I feel very strongly, Madam President—and I speak for myself and I think some other Members of the body—that we have not given, either individually or through committee work, adequate attention to all of the many ramifications of lifting the embargo, and therefore I have set forth in this letter a series of questions. These questions were prompted, first, by a meeting in my office last week with Ambassador Kampelman, Ambassador Kirkpatrick, Secretary Wolfowitz, and Secretary Richard Perle, the last two previously serving the Department of Defense.

They take a view that this embargo, first, is not legal, and, secondly, that it should be withdrawn. I urge Members of the Senate to avail themselves of the opportunity to meet with this distinguished group. They are well informed. As yet, however, I am not in concurrence with all of their viewpoints. Perhaps the legalities are arguable that this embargo was not put on in a proper manner under international law. To me that is a secondary issue compared with the importance of the implications that would flow from a lifting of this embargo.

Second, I then took it upon myself to go out to the Central Intelligence Agency where I met with a group of about five individuals who have been designated for some extensive period of time as the task force on Bosnia. Each day they study every development and collect viewpoints from around the world and gather intelligence from our own sources. They have put together an excellent briefing. I hope Senators could avail themselves of this briefing, because I found that their depth of knowledge pointed to a number of issues which I felt required further clarification, and I have included them in this letter.

I next met with members of the Department of Defense Bosnia task force team. Each of the Departments, State, Defense, and the Central Intelligence Agency, has a team designated to follow this issue full time.

Then, last, I went over to the Department of State, concluding my briefings on this subject with the head of their Balkan conflict group. I am going to urge committee chairmen here and ranking members and, indeed, the leadership to avail themselves of the briefings from these three entities. Some take different perspectives on this, and that I think is very helpful to provoke a more complete understanding of the complications here.

By and large, the consensus among the three entities in the administration is that we should not unilaterally lift the embargo. I am inclined to be of that same view, thus far, from my own independent research. And second, not even lift the embargo in the context of working with our allies.

I reserve judgment on that for a period of time until we get further into the debate, because if there were a collective judgment with our allies, primarily Great Britain and France, then I think it is a matter that should be considered very seriously. I feel this way because history is going to record that this embargo in effect tied one arm behind the back of the Moslems and allowed the principal combatants, the Serbs, to avail themselves of whatever arms they could find throughout the world.

Now, of course, Serbia proper and, indeed, the Moslems have certain embargoes against them. The United States has a major role in the embargo at sea. However, in my visits with other Members of this body to certain areas around the Danube, that is a leaky embargo as you go inland from the sea. The sea I think has been fairly effective. It has been a NATO operation, primarily U.S. Naval Forces. But the embargo that is also in the Danube has not been as effective, in my judgment.

Nevertheless, history will record as having tied the arm behind the Bosnian's back in this tragic conflict, and therefore I think periodically we should study—and this is one of those

moments—as to whether or not that embargo should be lifted. In so doing, I hope each Member would fully understand, and I am gaining a full understanding, the far-reaching ramifications of the lifting of this embargo.

May I acquaint the Chair with some of the questions that I have proposed to both the Secretary of State and the Secretary of Defense:

If the arms embargo against the Bosnian Government were unilaterally lifted by the United States, what impact would such a move have on the compliance of other nations with the broad range of UN Security Council-imposed embargoes, such as economic sanctions against Serbia and sanctions against Iraq?

Some have argued that the arms embargo against Bosnia is not legally binding, since the embargo was imposed against the former Yugoslavia, and Bosnia is not a successor state; and because the embargo violates Bosnia's right of self-defense under Article 51 of the U.N. charter. What is the administration's legal opinion on this issue?

As I said, the group that visited me, Ambassadors Kirkpatrick and Kampelman, and Secretaries Wolfowitz and Richard Perle, strongly viewed that the current embargo is illegal.

Next question:

How would a unilateral lifting of the arms embargo affect our relations with our NATO allies and the Russian Federation?

Next question:

If the arms embargo were lifted, what types of weapons would the Bosnian Government forces need to achieve a degree of weapon equivalence?

I constructed this phrase, "degree of weapon equivalence." In current order of battle, the Bosnian Serbs have perhaps as many as three times the tanks, maybe four times, three or four times the heavy artillery pieces as have the Moslems, so there is a very severe imbalance. But if we were to equip the Moslem forces with an equal amount of heavy artillery and tanks, is that for purposes of their beginning a more aggressive role to take back some of their lost territory, or is that what is needed to maintain the integrity of the six safe zones today together with the central part? I do not know. Those are questions that, in my judgment, need to be asked and answered.

Then, of course, such heavy equipment given to the Moslems would require, first, maintenance. Considerable infrastructure is necessitated to maintain this heavy military equipment. Training. How do they operate the weapons? Of course, they depend on the origin, but by and large this armed force has not had experience with weapons, such as tanks and major artillery pieces, of European or U.S. origin.

Then, after you learn to operate the weaponry, you have to have what we call combined arms training. For example, a tank is very effective when it is employed with infantry, together with artillery, and you do not learn

those tactics overnight. It takes time. Our Armed Forces train extensive periods of time on the combined arms tactic.

Next question:

How long would it take for heavy weapons to be transported to the Bosnian Government forces? What are the various access routes and means of delivery? How vulnerable are these routes to attack by Serb or other hostile forces? How large a military force would it take to guard and maintain these logistical routes?

Maps were spread before me during the course of these briefings.

There are two ports on the Adriatic which would lend themselves to disembarking this heavy equipment, but then it must travel a considerable distance on narrow, winding roads in order to get up to the central part where the Moslem forces are located.

The bridges and the narrow roads are highly exposed to what we call sapper attack. If the bridge goes out, the road then becomes dysfunctional for an indeterminate period of time. So you would have to put in literally a corridor, in my judgment, of forces to protect this road and then have other forces available to make immediate repairs occasioned by sapper attack.

Next question: How would the Serbs or other belligerents react in the interim period between the announcement of a lifting of the embargo and the transportation of equipment and training? And that period of time ranges anywhere, from estimates that are given to me, from 6 weeks to as far as 6 months depending on how complicated some of the equipment is.

What are the hostile forces, primarily the Serbs, going to do? Sit idly by? I am doubtful that that would take place.

I add other hostile forces because there is always a question mark about the Croatian forces. From time to time they have been in a state of belligerency with the Moslems. Currently they are operating under an agreement which enables the hostilities to be suspended. But agreements in that part of the world have a very short lifetime. So I think that is an issue.

There is also the collateral issue: If we are going to assist the Moslems with rearmament, are we going to assist the Croatians? They, likewise, have an embargo at the present time. In order to get the heavy weaponry from seaport into the Moslem territory, you have to traverse Croatian territory. What sort of agreement must be negotiated with those forces beforehand? Would part of that agreement be the lifting of the embargo against Croatia and likewise the willingness to supply their armed forces?

If there is an increase in fighting, should air power be used against the Serbs during this period between the announced lifting of the embargo and the transportation of weapons and training?

What are the military risks associated with air delivery of the new weapons? There are two airports, Sarajevo and Tuzla. I have had the opportunity to fly into Sarajevo. It is in a basin. When I was there 18 months ago, it was literally touch and go. The airport closed while I was there for several hours. And it periodically closed. It is highly vulnerable to weapons fired from the hostile forces. So I question whether or not heavy military equipment could be flown in by air either to the Sarajevo airport or the Tuzla airport.

But these, again, are questions that should be addressed because if this is my concern—we consider raising, lifting, whatever phrase is used, this embargo, it is going to be an enormous signal of hope to those Moslem forces that have fought so bravely and that have taken so many casualties both among the military and the civilians. I question whether or not we could act to raise it and not deliver having raised those hopes.

Would UNPROFOR troops have to be withdrawn prior to lifting the arms embargo? Thus far in my briefings, it is clear to me that they would be at risk once the decision was made. And, therefore, they would have to be engaged in a retrograde movement to pull them into areas where they could be safe and out of exposed areas that many of them are serving in today. How long would such a withdrawal take of the UNPROFOR forces? What would be the consequences of their not being able to perform the mercy missions that they perform today with food and medicine? And, indeed, we read in today's paper of an actual military engagement by UNPROFOR forces.

Would the Serbs likely intercept the withdrawal of the UNPROFOR forces and once again take hostages?

These are questions that we must answer.

Then, what is the likely reaction of Russia and Serbia proper to a unilateral lifting of the arms embargo? Is it reasonable to assume that they would come to the assistance of the Bosnian Serbs if the Bosnian government begins to recapture territory in the wake of lifting the embargo? Would the lifting of the embargo now help or hinder efforts to achieve a negotiated settlement to the conflict? I think, most of us realize there is no military solution to this tragic conflict, a conflict that is embedded into literally hundreds of years, if not a thousand years, of strife for the same basic differences of culture, ethnic background, religion. Those are important questions.

The ACTING PRESIDENT pro tempore. The hour of 3:30 arrived about 3 minutes ago. Because the Members participating in the discussion scheduled were not present, I allowed the Senator to go on.

ORDER OF PROCEDURE

Mr. WARNER. Madam President, I wonder if I could inquire of the Members who were about to initiate the next phase of Senate business if I could take another 7 or 8 minutes to introduce a very important bill on behalf of the President.

Mr. BRYAN. Madam President, responding through the Chair to my distinguished colleague from Virginia, I would have no objection if that is propounded as a unanimous consent request. I would certainly agree.

Mr. WARNER. Madam President, I ask unanimous consent that I may proceed as if in morning business for another 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. Madam President, I thank the Chair. I thank the Members.

(The remarks of Mr. WARNER pertaining to the introduction of S. 2056 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

U.S. NAVY CHANGE OF COMMAND CEREMONY

Mr. WARNER. Madam President, April 23 marked a momentous day in the history of the U.S. Navy. The U.S. Navy bid a respectful farewell to the distinguished Adm. Frank B. Kelso II, Chief of Naval Operations. Admiral Kelso dutifully served nearly 38 years on active duty, during which time he exemplified honor, courage, vision, and leadership ability. Admiral Kelso served the U.S. Navy through many challenging times, including drawdowns, budget reductions, and changes brought by the end of the cold war.

The occasion of the change of command provided us the opportunity to welcome his successor, Adm. Jeremy Michael Boorda. As Admiral Boorda commences his tour as the 25th Chief of Naval Operations, he brings with him vast experience. Admiral Boorda has formerly served as the Commander in Chief, Allied Forces—South, Commander in Chief of the U.S. Naval Forces—Europe, and as the principal commander for all NATO air and maritime operations in Bosnia and Herzegovina. I wish him the best of luck in continuing to prepare the U.S. Navy for the 21st century.

I would like to take this opportunity to submit remarks delivered at the change of command ceremony for entry in the RECORD. I hereby ask unanimous consent that remarks delivered by Admiral Kelso, Secretary Dalton, General Shalikashvili, and Admiral Boorda be inserted in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS DELIVERED BY ADM. FRANK B. KELSO, II, USN, CHIEF OF NAVAL OPERATIONS, U.S. NAVY CHANGE OF COMMAND, ANNAPOLIS, MD.

Good morning. Secretary Deutch, Secretary Dalton, General Shalikashvili, Senators Warner and Stevens, Congressman Hoyer, members of the Diplomatic Corps, my fellow service chiefs, Admiral Mike and Bettie Boorda, fellow flag officers, men and women of the U.S. Navy, and ladies and gentlemen.

I think I'd better get a pin and scratch myself, to make sure I'm in the right place this morning. Thank you so very much for your kind words. But when you reach this point in time, there are a few people you have to say thanks to, because I didn't get here alone—I got here with a lot of help. First of all, I'd like to thank every American sailor I ever served with, whoever followed my orders, or gave me a suggestion, because, truly, that's what makes our Navy go, and we all owe them so much. So I'll accept these medals this morning on behalf of all the young officers and sailors who worked for me. I'd like to thank my OPNAV staff who supported me so superbly, the fleet commanders and their staffs who kept our Navy running in a period of great turmoil. I'd like to thank my fellow chiefs of the Navy who've come from so many places in the world to join Admiral Mike Boorda and me today. I'd also like to thank Admiral Tom Lynch and everyone at the Naval Academy for putting this ceremony on. Tom, I have enormous respect for your capability and leadership, and want you to know that.

I'd like to thank each of you for being here this morning, and sharing this day with Mike and me. I'd like to thank my classmates, the great Class of '56. It's been my honor to carry the torch for a good while, and I'll leave it now to Captain Fred Lippert, Chief of Orthopedic Surgery at Bethesda, who, I believe, is our last classmate on active duty. I appreciate the efforts of so many friends and family to come here this morning, and I'd like my family to stand up. I'd like you to see them—I'm awfully proud of them.

And my last thanks, this morning, will go to Landess. Landess has stood with me through all these years. She's been my best counsel, my best advice—my toughest critic, and also the one who pushed me when I was down the most. And she's kept my hat size about the same—but she hasn't had much trouble during this tour of duty in doing that. Thank you, my love. It's been a great journey, and we're going to have a better one from now on, too.

I'd like to say a special word of welcome to Mike and Bettie Boorda. Mike's an officer I've known for a long time. I've had just great respect for him. I have great confidence in him, and I know he's going to be the Navy's great leader as the next CNO. Mike, it's a pleasure to be here with you and Bettie this morning. I left a couple little things on the desk for you I thought might be necessary for the job: there's a large bottle of Maalox and a cup that says "Budgets are for wimps."

But to be serious, when I stood here four years ago to relieve Carl Trost, American and Soviet sailors still watched each other almost every day from a distance, ready to wage war on a moment's notice. The U.S. Navy was recruiting more than a hundred thousand people a year, and we were well on our way to a 600 ship fleet. We had just opened one of our new home ports, in Staten Island, and were preparing to launch the

ARLEIGH BURKE and the GEORGE WASHINGTON.

But already, we saw great change on the horizon. The Berlin Wall had fallen just six months earlier, and the reforms characterized in that era as glasnost and perestroika were already reverberating throughout the Soviet Union. Here at home, a stalled economy and a growing budget deficit forced us to take a hard look at our nation's priorities. On that day in 1990, I said, "We have nothing to fear in change," and everything that's happened since then has only reinforced my belief in that statement.

Even then, most of us understood the implications of the easing of Cold War tensions combined with our nation's pressing domestic concerns. But few could have easily foreseen either the extent or the sheer speed of the changes we would experience during my watch.

Perhaps the most unexpected of all was a war eight thousand miles away which ultimately involved half a million young Americans. Their performance, and the success of our weapons systems during the Persian Gulf conflict validated the wise decisions of my predecessors. I knew I had inherited the most capable Navy the world has ever seen.

My mandate was clear, and that mandate remains today—to make sure the Navy after the next Navy is no less capable. I still believe that the world's remaining superpower is going to need a Navy ready to carry out its mission anywhere our President sends us.

But I knew that we could not be the best if we tried to preserve the status quo while the world changed around us. And, as always, the men and women of the U.S. Navy rose to the challenge. Over the last four years, they have shaken up the old assumptions, and embraced change. They have traded a traditional, independent view of the world for one that promotes consensus and cooperation.

And I believe that this willingness to change, to divest ourselves of some old assumptions, is enabling us to navigate through the shoal waters of downsizing, and to realize the great opportunities before us to improve our capabilities and provide them at a more affordable price.

When I look at our Navy today, I see an organization which has made a strategic leap of faith, transitioning from Cold War priorities to the profoundly different, but very real challenges we are facing.

I see a Navy which is more and more an integral player on America's joint war fighting team, and with each passing day, I see sailors working more closely with their comrades in the Marine Corps, Army, Air Force and the Coast Guard.

I see a headquarters staff reduced in size by half, and operating more efficiently than in the past, and I am heartened by the improvements we have made in prioritizing and programming our resources.

I see continued strong pride in our warfare communities, but at the same time a greater willingness to speak as one Navy.

I see an organization moving steadily toward real equal opportunity, and in opening combat duty to women, maximizing our ability to get the best qualified person for the job.

I see a Navy which acknowledges that we must continue our efforts to diversify our officer corps. We must do it today, so the leadership of tomorrow reflects every segment of this society.

I see Navy leaders—officer, enlisted and civilian—committed to the principle that smaller need not mean less capable.

And I see adherence to the tenets of Total Quality Leadership improving the entire fab-

ric of our organization, and empowering our people to become a part of this process of change.

Finally, I see a climate which encourages and nurtures new ideas, be they from the E Ring or the deckplates of our ships.

The men and women who sail those ships are hard at work this morning—they are part of the most ready and capable force we have ever sent to sea. We have a plan, a solid plan to maintain that readiness, and to lay the keel of the next Navy, the Navy of twenty to thirty years from now. The plan represents a concerted effort to shape our own destiny, but the desire is in the execution, and there are no guarantees.

As we strive to build on the strengths of this great nation, we cannot afford to forget that national defense is only part of the equation. There are many legitimate claims upon the American taxpayer's dollar, and many competing interests for resources, however much we all share the same goals. Getting through the challenges ahead will call for unlimited reserves of perseverance and moral courage.

What are the qualities which will sustain us during this period? First and foremost will be our love and devotion to this great nation. Equally important will be our loyalty to our service. As those of you here today well understand, we cannot afford to regard our service as only a job. It is, and always has been more than that. It must continue to be a way of life.

And while we have always counted among our ranks tough-minded, colorful individuals, the greatness of our organization has come from our sense of esprit de corps, from the efforts of men and women willing to put the institution above themselves.

That concept of teamwork is not an outmoded ideal—it is, in fact, more relevant than ever before. But it is not a quality found in the seabag of every new recruit or officer candidate. We must instill that sense into our people, and work to reinforce the message as they progress throughout their careers.

Lastly, we must look to our strength of character. We must be, and we must be perceived to be man and women with an unwavering sense of honor, integrity and professionalism. The American people—those who willingly entrust their sons and daughters to our charge—expect no less from us.

In recent years, we have often found ourselves in the spotlight, and sometimes the glare is very hard to take, but I am convinced that degree of scrutiny is far more a blessing than a curse. The keen public interest in everything we do comes from the fact that our fellow Americans, for more than two centuries, have indeed expected from us the highest standards of behavior and personal honor.

Notwithstanding our occasional failings and foibles, the American people put more confidence in their armed forces than in any other public institution. I believe we should welcome the closest scrutiny; we must want to be held to the highest standards, because our values define us—they go with the privilege of serving this country.

In the end, there are no problems we cannot resolve, so long as we are forthright and honest, committed, and ultimately, do what is right.

You who love our Navy as much as I do should feel proud of our ability, as an organization, to meet the challenges ahead. I make no claim to predicting the future, but whatever the future holds, the Navy remains forward deployed, relevant and valuable in a still changing world.

The challenges facing our wardrooms and senior enlisted personnel in the days ahead will be daunting. Instability around the globe suggests that the operating tempo of our ships and squadrons will remain high for the foreseeable future. But even as we continue to carry out our worldwide commitments, we will be executing the plan which will get us to the "next Navy." That means some new ships will come on line, older units retiring, bases we have called home for years closing. Nor can we expect technology to stand still throughout that process. There will be new skills to master, changing missions which we must train for.

I have all the confidence in the world in Navy leaders across our ranks to meet these challenges. They are the best, and they have fantastic material to work with. Today's sailors cannot be beat. They continue to take on tough assignments at sea and at shore stations all over the world.

They willingly give up comforts and conveniences enjoyed by their fellow citizens, and spend months at a time away from home and loved ones. Today, just like 4 years ago, over 40 percent of our fleet is underway and operating around the globe.

And whether they are serving in the Red Sea or Arabian Gulf, the Mediterranean or the Adriatic, or off of Somalia, our people understand the importance of their mission. They are proud to represent this nation. And though they acknowledge that they themselves cannot solve all the world's problems, being able to give others the chance for a better life is something very meaningful to them.

As I stand before you today, I can tell you that the American bluejacket still exemplifies the idealism and devotion to duty which have made this nation great. In the days ahead, we will change them as much as we ever have, but I have no doubt they have the right stuff to get the job done.

Our senior enlisted leadership, like Master Chief John Hagan, our Master Chief Petty Officer of the Navy, are dedicated, caring leaders. They are the backbone of the organization, and they have embraced and accelerated the change with their ideas.

I am sincerely grateful that we, as a nation, are blessed with leaders like Secretary Perry, Secretary Deutch, Secretary Dalton, and General John Shalikashvili, as well as the committed elected officials who understand these young people I've been talking about, along with their comrades in the sister services. They know that these young people are the true strength of America's defense capability, and if we keep faith with them, they will never let us down.

In conclusion, let me say it has been for me an extraordinary privilege to come of age in the U.S. Navy. Over the course of the nearly thirty-eight years I have spent on active duty, the men and women who wear this uniform have never ceased to impress and inspire me. Nor have they failed to sustain my belief that ours is the greatest Navy and the greatest nation on the face of the earth.

When I reflect on the sacrifices they make on a daily basis, I am reminded of the words of President Theodore Roosevelt, a leader whose vision for our Navy and nation is still very relevant today. He said:

Far better it is to dare mighty things, to win glorious triumphs, even though checkered by failure, than to take rank with those poor spirits who neither enjoy much nor suffer much, because they live in the gray twilight that knows not victory nor defeat.

Having the opportunity to lead these people over the past four years has been the

most rewarding experience of my life. When I look out at our leadership today, and particularly our young leadership, I see the leaders of tomorrow, and I know our Nation could not be in better hands.

My God bless our Navy, may God bless America.

REMARKS BY CHAIRMAN OF THE JOINT CHIEFS OF STAFF, GEN. JOHN M. SHALIKASHVILI AT THE RETIREMENT AND AWARD CEREMONY FOR ADM. FRANK B. KELSO

Secretary Deutch, Secretary and Mrs. Dalton, members of Congress, members of the Diplomatic Corps, Admiral and Mrs. Kelso, Admiral and Mrs. Boorda, distinguished guests, ladies and gentlemen.

We are here today to two things, each of them full of symbolism and full of emotion and each significant to the history of the United States Navy and the Armed Forces of our Nation. First we are here to pay great tribute to my very good friend, Admiral Frank Kelso, and to honor his vast achievements over 38 years of truly extraordinary service, and to haul down his flag. And second, to break Admiral Boorda's flag, thus designating him the 25th Chief of Naval Operations.

And it is very fitting to celebrate Admiral Kelso's accomplishments here. Because it is here, that it all began, across the yard at Dahlgren Hall, Ensign Frank Kelso graduated with distinction, graduated with distinction among the 681 members of the class of '56 on cool and cloudy June the 1st, nearly 38 years ago, years marked by the delicate balance of the Cold War, marked by war itself, and marked by vast, sweeping changes to the Navy, our Armed Forces and to the world at large.

When Admiral Arthur Radford, then Chairman of the Joint Chiefs of Staff, addressed Frank Kelso's graduating class, he could have been predicting Frank's future when he said, "Your future will be challenging and interesting. Undoubtedly, you will witness and take part in great events. Now", he went on, "the part you play and the contributions you make will be somewhat designated by fate, but largely designated by you as an individual." And for the next 38 years, Frank Kelso lived by these words in one assignment after another.

Beginning with his first duty as the 3d Division Boat Group Officer aboard USS Oglethorpe, through three submarine commands, his command of Sixth Fleet, through three 4-star billets, Frank Kelso proved to be a wise leader, a man of great integrity and character, a man people follow into battle, a man people trust with their lives.

This was clear to the world when the men and women of the U.S. Sixth Fleet, under the leadership of Admiral Frank Kelso, were called upon to capture the terrorists who had hijacked the *Aquille Lauro* and killed an American tourist. . . . When they were called into combat in the Gulf of Sidra and again into the heart of Libya, when Libya was implicated in the bombing of a German disco, killing an American serviceman and wounding scores of other military personnel.

And it was true as well, during his four years as Chief of Naval Operations, Admiral Kelso has led our Navy through its most challenging, difficult period of its recent history. Within months of assuming his new role, Admiral Kelso organized the Naval force for Operation Desert Storm, the awesome force which played such a key role in that great victory.

As the Armed Forces dealt with the force drawn downs and budget reductions, Frank

Kelso kept the Navy forward looking, reorienting to a new role in the rapidly changing world and reorienting a new doctrine.

And throughout his career, Frank Kelso demonstrated time and again, the deep concern for his people, and the pride and compassion to continually improve the quality of life for the men and women of the United States Navy. And standing by him with her unwavering support was the rest of his team, his wife Landess and his four children, Tommy, Donald, Mary, and Carrie. Landess, for 38 years, you have stood by Frank through the difficult assignments, the long years of one overseas duty after another, raising your family and enduring the pressures and challenges with your hallmark, calm patience. You have shown immense strength. And you have been a wonderful friend to the men and women under Frank's command and to their families. You have left your mark in our hearts and we will miss you dearly.

But today as well, we welcome Admiral Mike Boorda and his wife Betty. Admiral Boorda comes to Washington after having just served—brilliantly, I might add—as Commander in Chief of Allied Forces, South in Italy and Commander in Chief of U.S. Naval Forces, Europe. And as the principal commander for all NATO air and maritime operations near and over Bosnia-Herzegovina.

My association and friendship with Mike Boorda goes back to our days together in Europe and I am most pleased that President Clinton has appointed him to continue in the effort to prepare the Navy for the 21st Century.

So, on behalf of the Joint Chiefs, we welcome you Mike and Betty, and pledge our support while at the same time we congratulate you, Frank and Landess. Thank you for your friendship, and I wish you both continued fair winds and following seas.

Thank you very much.

ADM. JEREMY MICHAEL BOORDA, USN, CHIEF OF NAVAL OPERATIONS, CHANGE OF COMMAND REMARKS

Good morning, Secretary Deutch, Secretary Dalton, General Shalikashvili, Admiral Kelso, General Mundy—I could go on—this is about two pages of names, I think I'll just stop and say that if you're not a friend of Frank Kelso's, Mike Boorda's or the United States Navy, you're in the wrong ceremony.

It is our custom in the Navy, when an officer takes command, that he will make a few very brief remarks—certainly not talk about changes—and sit down quickly. And I'm going to do that, but there are a few things I should say. And Frank there will be one big change now that you're leaving and I'm coming in. The podiums are going to be a lot smaller for the next four years. For the people in the front row, there is an admiral back here somewhere.

First, instead of saving it for the end, I want to say right up front how much I appreciate and love my wife Bettie for her hard work on behalf of the Navy, on behalf of our family, and on behalf of her husband all these many years. I wouldn't be here if it wasn't for you and I wouldn't want to be here without you. At a moment like this, I have to tell you the truth. When we went to Europe I told Bettie, "its going to be kind of a quiet tour and I'll probably retire when this is over and you'll see a lot of me for the next few years," and then there was Yugoslavia. I'm not even going to lie to you this time—I'll see you in about four years. I also want

to say that my mom, who is here, and my dad, who can't be here but is with me anyway, are not just observers at this ceremony are, instead, full participants in any success I might have had. Thanks. All my kids are all here, and that's a big thing to say and they have always been there for me even when I couldn't be there for them because of long deployments or one demanding job after another. So thanks to all seven of you, and I love you a lot! I'd like to thank Secretary Dalton for nominating me, that's kind of an understatement. And I will do my best to live up to your expectations, Mr. Secretary. I know that you and I and General Mundy are going to be a good team and I look forward to getting started. To Secretary Deutch and to Secretary Perry and General Shali, thanks for supporting me as well. And thank you especially for your support in my last job. What progress we made in Yugoslavia—and it is always fleeting progress—was due in large measure to the help, advice, and guidance you gave. It is a tough time for people there. Today is a particularly tough time, and I know that Admiral Snuffy Smith is doing a great job and so are the people from all of the services.

Admiral Kelso, we had a quick but a very thorough turnover. And I want to thank you for making it possible. Thanks also for your leadership and friendship over the years. Our entire Navy wishes nothing but the best for you and Landess and the entire family. The benefits of the new policies you've put in place and the course you've set our Navy on for the future as we approach the 21st century has been superb. Thanks my friend and God bless you!

To the men and women of our Navy and to their families as well . . . thank you! For over 38 years of my career you, and those who preceded you, have been working harder than anybody could have ever expected, often sacrificing more than anyone should ever demand of others, and always making things turn out well in the end. You, the people of our Navy, are what this is all about. Without you nothing is possible and I won't forget that. You are the reason I am here and I won't forget that either.

We ask much of you. We need to be sure you have what it takes to get the job done. I will work as hard as I can to see that you get the ships, the aircraft, the systems, and all the other ingredients of a ready Navy so that, when asked to do the difficult jobs—and you will be asked—you can do so in a safe and effective way and you can win. Secretary Dalton and I are pledged to work together and we will achieve that goal.

I intend to spare no effort, and I expect and require that you spare no effort, toward the realization of real, total, equal opportunity in our Navy. We have come a long way. And let me say, because there's been a lot of talk about it, Frank Kelso brought us a long way along that road. Many would say, and I would agree, that we are ahead of much of society. But that isn't good enough. We want perfection. When we don't get it, and I'm sorry to say we won't always get it, then we will react in a fair, appropriately swift, and always just way. You can count on it.

My reason for mentioning this should be obvious to you, the men and women of our Navy. If you agree with me that people are the most important part of what we do . . . and I think almost everybody would agree with that . . . then it should be easy to see that we require, that we need to require and permit—let me say that again, require and permit—every single person on our team to achieve their personal best. Taking care of

each other is the essence of being on a team and, as Frank said, this is a team. It is what we are. It is also the essence of leadership at all levels from CNO to our newest petty officer and everybody in between. I'll have lots more to say on this subject in the days ahead.

We have a great Navy. It is great because our nation has made it so by giving us the best tools to work with of any Navy in the world. But it is great for an even more important reason, because of its people. The men and women of our Navy are a reflection of our society and we come from the most wonderful nation in the world so it's no wonder they are so good. But there is even more to it than that. As great as our nation is, we * * * your Navy * * * have the best. We have smart young people who are with us because they want to be here. They volunteer to serve and they have to meet our standards when they join our ranks. They come to us with high hopes for their own futures and they quickly learn to care about—and have equally high hopes for—their Navy and their nation. When I say we have a great Navy, and we do, I am really saying we have great Navy people, and we do.

I have many goals in mind as I start my tour as Chief of Naval Operations. And I'll be working on all of them in the days, weeks, months, and years ahead. And they're all important. But I need to steal an Army recruiting phrase to tell you of my most important goal. That phrase is "be all you can be." On February 10th, 1956, a chief petty officer started helping me to be all I could be. Lots of petty officers, chiefs, officers, and civilian leaders too, kept it up * * * Day after day * * * year after year. Many of you are sitting in this audience. I guess they succeeded. I think I really did become "all I could be." Now I need to pay them back. I'm going to do just that and I'm going to do it by taking the best care I can of the wonderful men and women of your Navy.

Thank you and God bless you all.

REMARKS AS DELIVERED BY HON. JOHN H. DALTON, SECRETARY OF THE NAVY, ON THE INTRODUCTION OF DEPUTY SECRETARY OF DEFENSE JOHN DEUTCH

PASSING THE VISION

The mark of success for those in positions of authority is the vision of the future that they bequeath to those after them. It is this vision that allows us to sail a steady course amidst change and challenge * * * to sail from an era of global confrontation to a vastly different world.

Today we are saying goodbye to a bold, visionary leader of the Naval Service, and we are welcoming his successor. The naval career of Admiral Kelso, like that of his successor, Admiral Boorda, has spanned the height of the Cold War—from the rise of the Soviet challenge at sea to the collapse of communism and end of the Soviet empire. Both officers have spent a lifetime of long, demanding toil in the service of America's defense. And both have provided a guiding vision through periods of naval expansion, as well as periods of right-sizing. Their eyes were on the horizon through successive commands of ships, fleets and joint forces.

To Chief of Naval Operations Admiral Frank Kelso fell the task of piloting the United States Navy beyond the Cold War's end—a feat akin to sailing beyond the edge of the known world. Many were the challenges he faced in dealing with new strategic and social issues. His legacy as Chief of Naval Operations will be lasting. The development of a new strategic vision * * * From

the Sea", the full integration of women, the emphasis on Total Quality Leadership, and the reorganization of the OPNAV staff are but four of these.

This ceremony symbolizes many things. Of course, it marks the passing of command—an act that means so much to those who "go down to the sea in ships." For like the commanding officer who plots the course and ensures the safety of the ship in both storm and battle, the Chief of Naval Operations ensures the continual development and safety of his Service. Admiral Boorda inherits from Admiral Kelso a ship on the right course, one that has weathered the storms as it sails from the open oceans to the littoral regions of the world.

But this ceremony also symbolizes a tradition of naval leadership that is the force that maintains our Navy and has built it into the finest the world has ever known. It is this tradition—the tradition of Admirals Benson and Nimitz and Sherman and Burke—that is now being passed from Admiral Kelso to Admiral Boorda . . . and with it a heritage of honor, courage and commitment that transcends this moment in time. For leadership is a timeless trait and one whose ever present concern is that of building a better future . . . a future that men and women of conviction will carry on.

It is indeed my pleasure this morning to introduce a man of vision whose efforts at building a higher quality and more efficient Department of Defense are already well apparent. Deputy Secretary of Defense John Deutch has over thirty years of experience in national security policy and defense acquisition and management. Since April 1993, he has served as the Under Secretary of Defense for Acquisition, and in the past month, was confirmed as Deputy Secretary. As Undersecretary, he spearheaded our efforts at acquisition reform and set the groundwork for policies to preserve the defense industrial base.

A member of the MIT faculty—since 1970—as a professor of Chemistry, and most recently, as university Provost, Dr. Deutch also devoted countless hours and considerable talent to service in government, both as an official in the Departments of Defense and Energy and as a member of numerous advisory panels.

I note that of the many advisory panels he has served on—which include the White House Science Council and Defense Science Board—Deputy Secretary Deutch found time to serve with distinction as a member of the Chief of Naval Operations Executive Panel. The CNO Executive Panel provides advice directly to the CNO on matters pertaining to the programs and policies of the United States Navy . . . including issues such as future technologies and industrial policies. I think the fact of John Deutch's participation indicates that the Navy can recognize talent and welcomes the assistance of top experts. And I certainly can't think of a better person to provide such advice than John Deutch.

Dr. Deutch has also served as an Acting Assistant Secretary and Undersecretary of the Department of Energy and director of Energy Research.

To paraphrase Secretary of Defense Perry—who very much wanted to be here today, John Deutch is indeed a man who has walked through the doors that time has opened in the development of new technologies and the strategies of their application . . . developments that helped to bring an end to the Cold War . . . developments that promise to fashion a more secure future.

In conjunction with Secretary Perry, Dr. Deutch has instituted a management style that empowers everyone in the Department of Defense to perform at their very best . . . a management style based on proven experience and blended with love and respect for the magnificent men and women of our Armed Forces. In the final assessment, all our leadership efforts are directed toward giving our Sailors, Marines, Soldiers and Airmen the tools and conviction that bring out the excellence present within themselves. In this, Deputy Secretary Deutch is already achieving great success. It is a genuine pleasure to work with this man.

Ladies and Gentlemen, it is my honor and privilege to introduce to you the Deputy Secretary of Defense, the Honorable John M. Deutch.

STATEMENTS MADE BY THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF, THE SECRETARY OF DEFENSE, AND THE PRESIDENT AT THE MEMORIAL SERVICE TO THE MEN AND WOMEN KILLED IN THE FRIENDLY FIRE INCIDENT OVER NORTHERN IRAQ

Mr. THURMOND. Madam President, last Monday, I had the privilege of attending the memorial service for the 15 Americans killed in the tragic friendly fire incident over northern Iraq on April 14, 1994. The service was held at the Fort Myer Memorial Chapel. It was conducted under the joint leadership of the chief of chaplains of the Air Force and the chief of chaplains of the Army.

I want to commend chaplain, Maj. Gen. Matthew Zimmerman, chief of chaplains for the Army, chaplain, Maj. Gen. Donald J. Harlin, chief of chaplains for the Air Force, and their deputies, chaplain, Brig. Gen. Donald W. Shea and Brig. Gen. Arthur S. Thomas for the solemn and moving ceremony. It brought comfort to everyone in attendance and honor to the dedicated Americans who gave their lives in the service of our Nation.

Madam President, the death of the 15 Americans and 11 Allied personnel was a national tragedy. Its impact on the Nation was reflected by the attendance at the service of President Clinton, Secretary of Defense Perry, and the Chairman of the Joint Chiefs of Staff, General Shalikashvili. Each spoke eloquently and emotionally on the dedication and sacrifices of our men and women in uniform and their commitment to our Nation. Without slighting the President or Secretary of Defense, I want to read an excerpt from General Shalikashvili's remarks that sum up the emotions that ran throughout the chapel that day:

And so to family and friends, know that we grieve with you and that your loss is our loss. They were your sons and daughters, your parents, your friends, but they were our comrades in arms, fellow soldiers and airmen and State Department officers. I will not presume to say I know your hurt, I only know that very special hurt when any serviceman or woman you have given into our

charge falls in combat or suffers accidental death.

Madam President, I ask unanimous consent that the complete text of the general's remarks and those of the President and the Secretary of Defense be included in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF PRESIDENT BILL CLINTON AT MEMORIAL SERVICE TO HONOR VICTIMS OF "FRIENDLY FIRE" INCIDENT IN IRAQ

Today in this chapel built for heroes, we come to mourn the lives and to celebrate the lives of those who died on April 14th. To all the families who are here present and the families who are not here, I think it should be clear that, in addition to the distinguished leaders of our military, the clergy and the friends, the spirit of all Americans is in this chapel today. The hearts of all Americans have gone out to these families.

When we joined three years ago with Britain and France and Turkey to protect the Kurds of northern Iraq, to shelter them from air attacks, to sustain them with shoes and coats and food and fuel and medicine, the world took note of something continually special about our great nation and what drives us. The lives of the Americans and their 11 compatriots who were lost reflected that spirit, those values, that heart, that hope that brought us to protect the Kurds in the first place. They were literally part of a mission to provide comfort. They have honored us all with their compassion and courage and ultimately with their sacrifice.

We know, as has already been said, that those who enter the military understand clearly that they assume great risks, that even though the world has changed, that the specter of the Cold War is fading, the way of life we cherish as Americans and our hopes for the rest of the world still depends upon their skills, their sacrifice, their courage, and their clear willingness to undertake those risks. And yet I have to say that, as president and as an American, when it becomes the job of those of us in positions of responsibility to explain loss to these wonderful families that came about through a terrible accident, the burden of reminding all of us that all who serve undertook those risks is still very great.

We must remember not only those who died for their service to their country but for how they were loved. We must, all the rest of us in America, pray for these families—for the husband and the father whose young child will now have to learn about him through photographs and stories, for the family of an ambitious young man who wished to go to college and become an artist, for a distinguished American veteran of more than two decades whose soldiers loved him for his steel and his heart, for the wonderful daughter and sister who lifted those around her with her vigor and promise, for the young pilot who grew up with his heart set on the skies, and for all the others. Their lives were suddenly taken from their beloved families and from our nation in our service and their important mission.

No one's words can wipe away the grief, the pain, the questions. It is our duty first, to continue the mission for which they gave their lives; second, to find the answers which they rightfully seek; and third, to pray that together they will find the strength as the days go forward to ease their grief and lean on their faiths.

The Americans we honor today represented the best in our country. In a tragic irony, all who were involved in this accident, including the pilots of the two jets, were there on a common mission to save the lives of innocent people. We know that just as we are all proud of their ability and their bravery, their readiness for any challenge, their devotion to their families, we all understand that they, like we, none of us are immune from error, from tragic circumstance.

One of the fathers, himself an Air Force Colonel, said that he thought his daughter was a hero. Well, they're all heroes, and we owe it to them to honor their lives and their service, to answer the questions of their families, but more than anything else, to remember when words fail that we are taught over and over again in the scriptures things will always happen that we can never fully understand, that, as President Lincoln said, the Almighty has his own purposes, that the faith which sustains us, according to the scripture, is "the assurance of things hoped for, the convictions of things unseen."

As I look out into the faces of mothers and fathers and wives and sons and daughters, brothers and sisters, I say on behalf of a grateful nation, we honor your sacrifice and we will do our best to live every day with the memory of your sacrifice. And we pray for you, that time will give you the strength and the faith to remember the very best and finest of the lives of your loved ones, to be always grateful for what they did and never cynical, even in the face of this tragedy, for there are things which happen to us all which can never be fully understood. What is clear and beyond any doubt is that they loved their country and they swore an oath, including a willingness to give their lives for their country. They did it in a very noble cause. We share your grief, we honor their lives, we pray for you and for their souls.

REMARKS OF DEFENSE SECRETARY WILLIAM PERRY AT MEMORIAL SERVICE TO HONOR VICTIMS OF "FRIENDLY FIRE" INCIDENT IN IRAQ

I want to share my deep sense of personal loss over the deaths of the fine men and women we mourn today. I also want to extend my most heart-felt sympathy to those who lost loved ones in this terrible tragedy. And I want to share my deep sorrow with the other nations that lost their sons. Those who died were brave, generous individuals doing a tough job under hazardous conditions. They gave their lives so that others may live. This is the greatest work that God can have us do. In our hearts and memories, they will always be with.

Lieutenant Laura Piper's mother summed it up with great wisdom. She said, "People are always wondering where are our role models today; well, here they are." Their mission was critically important. While the world's attention has been captured by other conflicts and crises, Operation Provide Comfort continues. We've saved tens of thousands of lives. We've escorted a half a million Kurdish people from exile in bitter cold mountains and returned them to their homes. The no-fly-zone we continue to enforce over northern Iraq has stopped Saddam Hussein from using air and ground attacks to terrorize the Kurds.

America and our Gulf War allies decisively won Desert Storm, but we cannot and will not turn our backs on the innocent people who would suffer from Iraq vengeance. Those we remember today were on a noble mission, and America deeply appreciates it. The Kurdish people appreciate it too. Last week,

a Kurdish religious leader said: "They came to us to save us and give us dignity. Their sacrifice will remain in the minds of our children for the rest of their lives. We will teach their names to our children and keep their names in our book of history as heroes who gave their lives for our freedom."

In the military, we are family. When we lose members of our family, particularly in tragic circumstances, it's hard to take. While all servicemen and women are prepared for the risks that come with military lives, we are still shocked and devastated when the lives are actually lost. It reminds us of the dangers that our soldiers, sailors, airmen and marines face every day and how vigilance and courage are part of the job.

This was a very complex operation, and no system will ever be 100 percent perfect. Flying these sorts of missions is a task of immense difficulties. Quick judgments, fast reactions and great skill are constantly required. I have flown in the back seat of an F-15 on a simulated mission, and I've some understanding of the strains and the fast paces of events, but we are deeply committed to ensuring that our men and women in uniform can meet this challenge safely by providing the best, the most challenging, and the most effective training possible. And when something does go wrong, I pledge to you that we will have a full accountability on what happened, and I also pledge to you that we will ensure that it cannot happen again.

All of us recognize that defending our nations and deterring aggression will never be risk free. General Robert E. Lee once said, "There is always hazard in military movements, but we must decide between the possible loss of inaction and the risk of action." That risk is the price we pay for freedom and security, and in the ultimate display of patriotism—pride and public service—our men and women in uniform have agreed to pay this price for us. Their friends and families also pay a price. Family members face long periods of separation and often endure agonizing uncertainty when service members are sent on hazardous missions. We owe a special debt of gratitude to the families who have waited and hoped and suffered.

Those we honor today, both military and civilian, are in our thoughts and our prayers. We remember their courage, their devotion to duty, and a commitment to their countries. They and their families deserve our deepest thanks.

There's a painting that hangs across my office at the Pentagon. It depicts a soldier in church praying with his family, perhaps before an overseas deployment. Below this picture is an inscription from Isaiah. It says, "Whom shall I send, and who will go for us?" When the individuals we remember today received that call, they answered, "Here am I, send me." Today we pay tribute to all of those who answered the call and ask God to take them in His care.

REMARKS OF GEN. JOHN SHALIKASHVILI, CHAIRMAN, JOINT CHIEFS OF STAFF AT MEMORIAL SERVICE TO HONOR VICTIMS OF "FRIENDLY FIRE" INCIDENT IN IRAQ

We have come here today to mourn and to honor the men and women, military and civilian, from five different nations, who so suddenly, on April 14th in northern Iraq, lost their lives in a most terrible tragedy.

The men and women who wear our nation's uniform or serve our Foreign Service understand full well the dangers of their profession. I have been around them for 36 years, in peace and in war, and in far away places like

northern Iraq, and I know they seldom talk about it openly, but they know all too well that the dangers are ever present and that tragedy can strike at any moment.

There is a special bond, a special bond among us, and we feel a special loss each time a comrade in arms is taken from our midst, and so it is this time. But this loss cuts deeper for this tragedy touches the very fabric of our institution, an institution whose code, whose passion it is to take care of each other and to protect each other from any danger. And when that goes wrong, as it did 11 days ago, our hearts are doubly heavy and our grief especially deep.

And so to family and friends, know that we grieve with you and that your loss is our loss. They were your sons and daughters, your parents, your friends, but they were our comrades in arms, fellow soldiers and airmen and State Department officer. I will not presume to say I know your hurt. I know only that very special hurt when any serviceman or woman you have given into our charge falls in combat or suffers accidental death.

As much as each of us desire to alter the events of April 14th, very sadly, we cannot. We can only mourn, we can strengthen our resolve to learn the truth and to fix the wrong and take great solace and deep pride in the work that they were doing to help others.

The Scriptures tell us that greater love hath no person than when they lay down their life for a friend. Feeding starving children, protecting a people from a tyrant who twice before had brought death and destruction and unspeakable cruelty to his own people, they sacrificed their lives so that others might live. They, and those who went before them, gave life and gave hope to a people who without them would have had very little reason for themselves and for their children. Their efforts were selfless. Their service was valiant. And their cause was noble.

To the Kurdish people of northern Iraq, to each of us here, to their brothers and sisters throughout the services, they are extraordinary heroes and shining examples. Perhaps no one understands that better or more clearly than the very people these men and women were protecting. In the dusty streets of Zakhu in northern Iraq, just below the Turkish border, the people have hung hundreds of banners in remembrance of these heroes. "We mourn the loss of our heroes," the banner tells us. "God bless their souls, and God be with their families," it concludes.

We, the Joint Chiefs of Staff and the men and women of our Armed Forces and our families, offer our prayers and our deepest sympathies to the families of all who died that tragic day. And we honor and salute them and pray that God will now embrace them in His kingdom. Thank you.

HONORING THE LATE RICHARD M. NIXON

Mr. DURENBERGER. Madam President, attending the funeral of President Richard M. Nixon last week was an extremely moving experience for me, as I'm sure it was for many of my colleagues. It would not be an exaggeration to say that Richard Nixon shaped the politics and the attitudes of a whole generation of Americans.

Indeed, I think all Americans—regardless of party or political ideology—have lost a great resource with the passing of America's 37th President.

Richard Nixon brought to the analysis of America's global and domestic problems an intellect rarely matched in the history of statecraft. In the final judgment of history, he will be remembered primarily for his geopolitical audacity in the opening to Communist China—and bringing America's influence to bear on the future of the 1 billion people who live in that country.

By opening the window of U.S. diplomacy and trade, Nixon laid the groundwork for the integration of the world's most populous nation into full membership in the world community. That process continues today—and, as a result of Nixon's opening, sober analysts have high hopes for mainland China in the 21st century.

In his domestic policy, Nixon combined a belief in free market economics with a recognition of the need for decisive government action to mitigate the defects of the market. It is ironic that shortly before Nixon's death, a Vice President of the opposite party would joke that his Democratic administration would be very happy to enact the Nixon health reform plan—a reference to one of Nixon's major domestic initiatives that failed to carry in Congress.

That, Madam President, was Richard Nixon the statesman. Let me recount an event that gives us some understanding of Richard Nixon the human being. When my predecessor in this office—the Honorable Hubert H. Humphrey—was dying of cancer in Lake Waverly, MN, he called former President Nixon and asked him to attend his—Humphrey's—funeral. Humphrey knew that the funeral was not going to be long in coming—and he arranged that Richard Nixon be received at that ceremony with the full honor due to a former President. Young people who watched the TV coverage of President Nixon's death and funeral—coverage that I understand was generally positive in tone—might find nothing remarkable in this. But back in 1977, the scars of the Watergate scandal were far from healed. Many of Senator Humphrey's liberal colleagues—and even a substantial number of moderates and conservatives—viewed Nixon as deserving a state of permanent disgrace.

Hubert Humphrey demonstrated true nobility of character by making his historic gesture to President Nixon. He realized that whether you share Nixon's views or not, you have to recognize his value to public life. Humphrey had known Nixon for decades—and knew that ostracizing Nixon would hurt America's future more than it would help.

Today, let us continue in the tradition of my distinguished predecessor. Let us join Hubert Humphrey in recognizing that all public-spirited Americans, whatever their ideology, have a constructive role to play in building our country's future.

Few Americans have ever played a more constructive role than Richard Nixon did in his final years. People who read his books—and I'm sure this group will include the future leaders of America—will be reaping the benefits of his intelligence and wisdom for many generations to come.

At this time of mourning, I wish Julie Nixon Eisenhower and Tricia Nixon Cox, the late President's daughters, all possible consolation in what must be a very difficult time.

Madam President, I ask unanimous consent that a Washington Post op-ed by Paul Rexford Thatcher, Sr., describing the final days of the relationship between President Nixon and Senator Humphrey be included in the RECORD. I further ask that two articles from the Minneapolis Star Tribune be included, one recounting the visits of President Nixon to Minnesota and the other recounting Minnesotans' reaction to his passing.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

RECONCILIATION HEALS PEOPLE AND NATIONS

(By Paul Rexford Thatcher, Sr.)

It was the Christmas holiday of 1977, and an especially bitter December in Minnesota. Sen. Hubert H. Humphrey had returned home to his refuge, his house on the new frozen Lake Waverly, about 35 miles west of Minneapolis.

He had just made a short but triumphant last journey to the nation's capital to deliver in person his farewells to the men and women with whom he had served for almost 30 years as U.S. senator, then vice president of the United States and since 1971, again, as a member of the Senate and its president pro tempore.

Now it was almost over, this remarkable political life, and emaciated by cancer, Humphrey lay in bed dying at Lake Waverly. The grounds of his house on the lake were stewed uncustomarily with twigs and fallen branches from the leafless trees on the expansive lawn. Humphrey had been notorious for taking visitors, be they prime ministers, fellow senators or political associates, for long walks on his grounds, making them pick up scattered twigs or leaves. There had been no such recent visitors.

In the lane at the back of the house, the small road that led to the highway to Minneapolis, a cluster of reporters was already forming a death watch over Minnesota's most famous political son.

Humphrey's son-in-law had leased a WATS line for him as a surprise Christmas gift. After returning from Washington, his life and legendary energy now ebbing from him like a tide, Minnesota's Happy Warrior began to call old friends and associates around the nation and the world. He ostensibly called to give them season's greetings, but everyone knew he was taking his leave of them.

He reached his old adversary, Richard Nixon, on Christmas Eve, only to learn that the Nixons were both ill, depressed and alone for the holiday in San Clemente. Something troubled Humphrey deeply about this conversation with Nixon, and that evening, surrounded by his immediate family, he brooded often about Nixon's circumstances. He spoke of it later in the evening, too, and it was only the next morning that his concerned

seems to diminish as he again called Nixon in San Clemente. He called to tell the former president—the man who in 1968 had given Humphrey his most bitter defeat—that he had a farewell gift to give him.

Humphrey told Nixon that he knew he had only days to live, and that he had made the arrangements for the events that would follow his death: his lying-in-state in the Capitol in Washington, his funeral and burial in Minnesota. Humphrey told Nixon that he was inviting him to attend the ceremony that would conclude the lying-in-state in Washington, and that he wanted him to be present and to stand in the place of honor of a former president.

Nixon, of course, had resigned from the presidency in disgrace only three years before and had not returned to Washington, where ever since he had been unwelcome. This seemed especially so now in the first year of Jimmy Carter's presidency, with Washington in the control of so many unforgiving Democrats (and probably not a few unforgiving Republicans as well).

Sensing Nixon's profound depression in exile in California, Humphrey spontaneously fashioned a credible excuse enabling his old rival to return to the capital. He told Nixon that if anyone questioned his presence, he should say that he was there at the personal request of Hubert Humphrey.

He further told Nixon that he would call me (I had been placed in charge of the Washington ceremonies by the Humphrey family) to relate their conversation and to tell me of his wish that Nixon be treated respectfully and with dignity for that occasion.

On Friday, Jan. 13, 1978, Hubert H. Humphrey died at Lake Waverly. President Carter was immediately called and notified. The president at once dispatched Air Force One to Minnesota to bring Humphrey's body to the capital for the weekend lying-in-state.

On Sunday forenoon, with President Carter, former President Ford, Vice President Mondale and many of the nation's political leaders in attendance, a concluding ceremony was held in the Capitol Rotunda. To the surprise of most and the gasps of many, I escorted former President Nixon to the place of honor with the others, near the flag-draped casket. Hubert Humphrey's gift in the winter to Richard Nixon had been delivered.

Fifteen years later, it is not the chill Minnesota winds that cause me to remember again that gift. I suspect that my memory is triggered by echoes of the voice placing that Christmas Eve telephone call to San Clemente.

I hear those echoes in the pledge of President Clinton to bring us together. To reconcile rich and poor, black and white, old and young, and to realize fully the intrinsic value of every citizen. If he fulfills that pledge, the Clinton years in Washington will bear the hallmarks of comity and compassion that were the emblems of the life of the lamentably late Hubert H. Humphrey.

[From the Minneapolis Star Tribune, Apr. 23, 1994]

A MEMORABLE WHISTLE-STOP TOUR IN 1952

(By Bob von Sternberg)

On a golden, autumn day long ago, the candidate whistle-stopped across Minnesota, lashing and slashing at his Democratic opponents from the back of his campaign train, wise-cracking with deliriously adoring Republican supporters.

In was Oct. 23, 1952, one of the first times Richard Nixon ever visited Minnesota. "America needs new leadership," he said

when the train stopped in Moorhead, telling his listeners that they would cast a "vote that may determine the future of America".

In a way, they did, helping launch Nixon on his extraordinary political career, delivering the state to the Eisenhower-Nixon ticket. Minnesota, where the shadow of Hubert H. Humphrey still looms so large, may not seem like Nixon territory. But in the five national elections where Nixon was on the ballot in this state, he won a majority of Minnesota's votes three times.

And elections were the usual prism through which Minnesotans saw Nixon, about two dozen times between 1951 and 1970. Almost always he came in the fall, hustling votes, beating up on everyone from Harry Truman to Humphrey. After 1970, at the apparent height of his electoral power Minnesotans' glimpses of Nixon where confirmed to the news media he so detested.

The first time, he was still a relatively obscure presence, speaking as a U.S. senator from California on the topic of law office management. By the next year, a youthful vice-presidential candidate, he was in full rhetorical flower, assailing the Democratic gang in Washington, failed farm programs and the Communists who had infiltrated U.S. society.

The podium-pounding aside on that whistlestop tour in 1952, Nixon's visit was accented by touches of outright weirdness, considering how a few comments eerily foreshadowed his downfall a generation later.

Some Litchfield residents presented Nixon with butter and milk products that came from nearby farms. Earlier in the day, he had been given onions, potatoes and even a bagged pheasant. "We're really getting the lot today," he told them.

Later, the man who would be consumed by cover-up charges in the Watergate scandal sneered about the Democratic ticket, "They're trying to cover up their record."

The visits continued throughout the 1950s: An appearance at Turkey Days in Worthington in 1954, grand marshal of the Minneapolis Aquatennial in 1958, an address to the American Legion convention the next year.

Minnesotans had again supported the GOP ticket in 1956. In 1960, when Nixon lost to John F. Kennedy by a hairbreadth nationwide, his losing margin in Minnesota was a scant 22,000 votes out of more than 1.5 million cast. He paid two visits to the state during that campaign.

During the early '60s, when Nixon was widely seen as a spent political force, he included Minnesota on his itinerary of almost perpetual public speaking nationwide: the Svenskarnsdag celebration in 1961, Shakopee in 1965, a pair of visits in 1966. Considering the anti-crime rhetoric of 1994, a 1967 speech has a peculiar resonance: "Judges have gone too far in weakening the peace forces against the criminal forces." The crowd filling the old Minneapolis Auditorium erupted in cheers.

On April 20, 1968, Nixon mocked Lyndon Johnson's announcement three weeks earlier that he wouldn't run for re-election. "I shall not seek and I shall not accept the nomination for vice president, he cracked.

In October, barely a month before his showdown with native son Humphrey, Nixon was washed in the cheers of 10,000 Minnesota Republicans, again at the auditorium. "Just think, Dick Nixon getting this kind of reception in what is supposed to be Hubert Humphrey's Minnesota," he crowed. His speech took aim at big-spending Democrats: "It's time for the spenders in Washington to begin thinking about the savers in the country."

And at anti-war protesters: "The American flag is not going to be a doormat for anybody when we get into office."

As it turned out, Humphrey thumped Nixon handily in Minnesota, 857,738 to 658,643, even as he lost the election.

The last visit came two years later, in 1970, as he campaigned one more time against Humphrey, who was running against Rep. Clark MacGregor for a Senate seat. Nixon had been on a weeklong Midwest midterm election campaign swing, and his reception in Rochester was the warmest of the trip.

On Oct. 30, the lifelong professional football fan charmed the crowd at the Mayo Civic Auditorium, telling them he was "glad to be in the land of the Vikings." He never mentioned Humphrey's name, saying he came to Minnesota "not to speak against anybody."

Protesters, though not many, dogged the appearance. One displayed a sign that mocked his first inaugural. "Bring us together," it said, at a time when the nation was bitterly divided. Another sign, one that would be seen with increasing frequency during the next four years, said simply, "Impeach Nixon."

Humphrey went on to win and return to the Senate, and MacGregor went on to run the Committee to ReElect the President (CREEP), the nest that hatched Watergate.

[From the Minneapolis Star Tribune, Apr. 23, 1994]

MINNESOTANS WHO KNEW HIM RECALL MAN OF CONTRADICTIONS

(By Kevin Deckschere)

Minnesotans who knew Richard Nixon remembered him Friday night as a man of contradictions, who excelled at the game of statecraft even while he struggled—sometimes painfully—with the demands of modern American politics.

Maurice Stans, 86, who was born in Shakopee, was Nixon's chief fundraiser in two of his three presidential campaigns. He was Nixon's secretary of commerce from 1969 to 1972.

Nixon "was a man of great ambition, and the only real handicap in his way was that he was essentially an introverted person. That was one of the hardest things he had to overcome."

Former Minnesota Gov. Elmer L. Anderson, who rode with Nixon on a campaign train from Moorhead to Minneapolis in 1960 said Nixon was very able and smart "but very cold. I don't think people warmed up to him. . . . I don't think his life is one to be admired. . . . It was one that was difficult and excruciating."

But U.S. Court of Appeals Judge George MacKinnon, 88, a longtime Minnesota Republican whom Nixon appointed to the federal bench in 1969, said his old friend was very personable—and terribly bright.

He remembered sitting next to Nixon on the House Labor Committee in 1947, when both were new members of Congress.

Every time Nixon quizzed a witness, MacKinnon said, "he had something different and important to inquire about. He had a tremendous intellect and foresight into problems. He impressed everybody."

MacKinnon was less taken with another freshman member of the committee, John Kennedy: "He wasn't there very often. He was down in Palm Beach."

Nixon's greatest achievement in the White House was the opening to China, most agreed. But former U.S. Sen. Eugene McCarthy, a Democrat who opposed Nixon most of his career, said Nixon's enemies list was a

more serious offense than the Watergate scandal.

"It was much closer to being an impeachable act. Watergate was kind of a marginal, mixed-up thing," McCarthy said.

Asked how he would rank Nixon among recent presidents, McCarthy chuckled. "I don't know how you'd rank him. The last half-century hasn't been a very high ranking crowd, aside from Harry Truman, you know."

Stans said that Watergate was the result of Nixon's desire to defend his associates, rather than an effort to obstruct justice. But he said the former president admitted that it was a mistake "It got past him on his blind side and, as he said later he blew it. He recognized that," Stans said.

For Clark MacGregor, a former Minnesota member of Congress who headed Nixon's re-election campaign in 1972, Watergate is still an unsettling memory.

"When he asked me to succeed John Mitchell [as campaign manager], he assured me that no senior person in his administration had anything to do with Watergate. That was some 10 days after he had already begun to orchestrate the coverup," MacGregor said.

"He'll go down in history as perhaps one of the most farsighted presidents in terms of foreign policy, but tragically he had almost a paranoia about those he deemed to be his enemies in politics."

Stans called Nixon "the most farseeing president we've had in this century with the possible exception of Woodrow Wilson." The last time he saw Nixon, he said, was at the party Nixon threw Jan. 20 at his presidential library to celebrate the 25th anniversary of his first inauguration.

"He appeared to be in good spirits and good health. He looked much better than he had some months earlier when his wife, Pat, was buried at the same place," he said.

Minnesota Attorney General Hubert Humphrey III, son of Nixon's opponent in the 1968 presidential race, said that there was a closing to the stormy relationship between Hubert Humphrey and Nixon before his father died.

"My father had a WATS line and he was making calls all over the country. One of the people he called was Mr. Nixon. It was at that time that he invited him to his lying in state in Washington," Humphrey said.

Watergate symbolized the end of closed government in the United States, he said. But, he added, "I've thought through what this person has meant to me and meant to the political life of this country and here was a man who went into the fray, created some of the fray, but in his heart, he really wanted what was best for the country."

Staff writer Anne O'Connor contributed to this article.

[From the Minneapolis Star Tribune, Apr. 23, 1994]

THE MARK HE MADE

"Today, the world mourns the loss of a great champion of democratic ideals who dedicated his life to the cause of world peace. For millions, Richard Nixon was truly one of the finest statesmen this world has ever seen."—Former President Ronald Reagan.

"There were very few people who tried as much and were as successful in as many initiatives as he was in a relatively short period of time."—Sen. Dave Durenberger, R-Minn.

"Past differences are now history. I wish him God's care and peace."—Connecticut Gov. Lowell Weicker, who as a Republican member of the Senate Watergate Committee often took sides against the GOP president.

He was "the ablest man to hold the presidency since World War II."—Former Michi-

gan Gov. George Romney, who campaigned against Nixon for the 1965 GOP nomination.

"He will always be remembered for the disgrace that he brought to the presidency. But I will say to his credit he contributed much in his later years. His knowledge on foreign policy, primarily, was invaluable to the last three presidents. I think that in many respects he was trying to make amends and did some worthwhile work in the last years of his life."—Rep. Tim Penny, D-Minn.

"His contribution to the ending years of the Cold War and the pursuit of peace will be recognized and remarked on for generations to come."—Former Sen. Howard Baker, the Tennessee Republican who was ranking minority member of the Senate Watergate Committee.

"All in all, people are going to look back and say Watergate, the resignation, a lot of these things were bad and shouldn't have happened. I think history will, with a few exceptions, say that this man made a difference. You add all that up and he comes out ahead."—Sen. Bob Dole, R-Kan.

"I always thought that President Nixon would go down in history as one of the best presidents. . . . He was saddled with Watergate, but I think history will treat him better than his contemporaries or peers did."—Rep. Rod Grams, R-Minn.

"Some of these days when Watergate becomes a footnote in history . . . and when the Nixon-haters in the press are all gone . . . Richard Nixon will go down as one of the great presidents in history."—Earl Butz, agriculture secretary under Nixon and Gerald Ford.

THE BEATIFICATION OF BLESSED DAMIEN DE VEUSTER

Mr. INOUE. Madam President, I would like to take this opportunity to recognize the upcoming beatification of the Blessed Damien De Veuster. All of Hawaii looks forward to May 15, 1994, the day when he will be one step closer to the papal designation of Saint.

In 1873, at 33, Father Damien came to the leper colony of Kalaupapa, on the Hawaiian island of Molokai. What he found there would have turned lesser men away in disgust. The people afflicted with Hansen's disease, or leprosy, lived in a filthy, lawless state with the strong ruthlessly taking advantage of the weak at every opportunity. They were living in the worst conditions possible, and existed without hope for any kind of future.

Overcoming the natural suspicion of the patients he had been sent to care for, Father Damien mobilized the settlement. Those who were able constructed houses with wood from the previous settlement at Kalawao. Father Damien was the first outsider to willingly touch the "unclean" and to physically minister to them every day, changing bandages, bathing open sores, consoling those unfortunates whose physical deformities repulsed even the other patients. Through his tireless compassionate efforts, the settlement of Kalaupapa was transformed into a Christian community. Most importantly, Father Damien lifted the hopes

and spirits of the patients he so willingly served.

He ministered to the people of Kalaupapa for 16 years, traveling between Molokai and Oahu to beg for medical supplies and other basic necessities. They truly became his family. When he was finally stricken with leprosy, it is said that he rejoiced in telling his people, "At last, I am one of you." According to historical records, Father Damien was the first and only person who came into Kalaupapa "clean" and eventually died of leprosy.

With the development of sulfone drugs, Hansen's disease is one of the least contagious and most curable ailments in the world. The people who currently reside in Kalaupapa are no longer required to isolate themselves from society but, for the most part, have chosen to remain there. Some will be traveling to Belgium for the beatification ceremony of the man who, through his tireless Christian efforts, created the settlement they live in and love.

In today's world of incurable diseases, abandoned children, abuse of the weak and elderly, and oppressed minorities, the compassionate example of Father Damien is most important and relevant. We must learn from this humble man who lived without fear among the despised of Hawaii's society, who spread the Christian doctrine through word and example.

On May 15, 1994, we will celebrate the happy occasion of Blessed Damien De Veuster's beatification in Brussels, Belgium. He will then be known by the fitting title "Servant of God, Servant of Humanity." Hawaii joins the rest of the world in honoring our beloved Father Damien.

THE 42D ANNUAL NATIONAL PRAYER BREAKFAST

Mr. HEFLIN. Madam President, on February 3 of this year, I had the honor of presiding over the 42d annual National Prayer Breakfast, held at the Washington Hilton Hotel here in Washington. Each year hundreds of leaders and thousands of guests from all over the world gather at the National Prayer Breakfast to seek spiritual guidance and to engage in fellowship with our friends from many diverse backgrounds. This year, we had over 4,000 in attendance. Attendees literally come from all walks of life.

Each year, by tradition, the President and First Lady attend, as well as the Vice President and his wife. We pray, sing, reflect, and soulfully examine our roles as leaders and what it means to be guided by a divine power. This year, we were especially graced by having in attendance at the breakfast Mother Teresa.

I have been involved with several National Prayer Breakfasts since coming to the Senate, and I must say this

year's was among the most memorable and uplifting I have ever participated in. I think most of those who attended went away with a true sense of spiritual renewal.

There are many people around the country and world who did not have the opportunity to attend this event but who are keenly interested in the breakfast and in learning more about it. I therefore ask unanimous consent that the transcript of the 42d National Prayer Breakfast be printed in the RECORD at this point.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

THE 42D ANNUAL NATIONAL PRAYER BREAKFAST

Sen. HOWELL HEFLIN. A good friend of ours, Lt. General Claude M. Kicklighter, Retired, will lead us in a pre-breakfast prayer. He is a former commanding General of the Army of the Pacific and now serves in the Department of Defense as the Director of World War II Commemorative Programs. His work involves going to various battle sites from World War II and setting up programs to commemorate the events. I was with him at Pearl Harbor recently. General Kicklighter, if you'd come forward and give the pre-breakfast prayer.

Lt. General CLAUDE M. KICKLIGHTER, Retired. Thank you, sir. This is a very special day. You can feel it. Wondrous things are going to happen here this morning. As you remain seated I would ask you to join hands in the bond of friendship around your table and bow your heads.

Almighty God, whose love and mercy is known in heaven and on earth, we praise your name as we come together from all over the world and from across this great nation with one purpose: to focus on loving you and loving one another. Lord, as we attend this 42d National Prayer Breakfast, let us remember that just 50 years ago this world was engaged in a life and death struggle that became known as World War II. Now this morning we come together from all over that world in friendship, with our President, other heads of state, and citizens from more than 150 nations. We give you thanks for 50 years without another World War and for the end of the Cold War.

We praise you for blessing our nations with the quest for a lasting peace, along with the fruits of abundance of freedom—especially the freedom to worship according to the dictates of our own hearts. Help us, as it is written in Micah, to do justice, love mercy and walk humbly with our God. We ask for courage, strength, and wisdom to ensure a safer and better world, a world free of war where freedom continues to ring. Guide our President through the maze of conflicting interests as he leads our great nation. Just as Jesus reminded us, no sparrow falls to the ground without your notice. Surely no nation can rise from the ground without your divine assistance. This morning we pray for that assistance.

Lord, we know that you have a message for each of us here today. We pray that you will open our hearts to hear your message, a message that can fill us with the power of your love—and that love can change lives in the world. Christ loving us is the hope of the world and there's no better example of the power of love than the life of your speaker this morning.

Lord, we ask you to continue to watch over our friend and mentor, Mother Teresa, and

sustain her in her mission of mercy to those who are stricken by disease and poverty. Help us to emulate her life of service and sacrifice in our own lives. We express our gratitude for the food upon our tables this morning. Help us to extend our heart and hands to those who are hungry. As we thank you for the help we possess, help us to be mindful of those who are ill. As we extol the freedoms we enjoy, help us to champion the cause for those who are denied freedom.

Oh God, author of Liberty, protector of the just and merciful, how great thou art. We feel your presence here this morning and we humbly turn to you and ask, "Heal our land and protect our children." We ask in the name of Jesus Christ, your blessings on this gathering. Amen.

Sen. HEFLIN. I am Howell Heflin, the Chairman of the Senate breakfast group.

Today's prayer breakfast is a time for people of all walks of life to collectively lift their voices and turn their eyes toward the living God and to devoutly petition him for His assistance. It is a time for reflection. It is a time for renewal of our faith. And it is a time for fellowship full of love and enjoyment.

At exactly 7:45 this morning, Alabama's Tuskegee choir will start singing several selections. After the arrival of the President and Vice President, the choir will sing "God Bless America." Tuskegee University was founded in 1881 by Booker T. Washington, its first President. A special feature of the university today is the George Washington Carver Museum, named after the distinguished scientist who taught at Tuskegee. We're pleased to have with us this morning Tuskegee's current President, Dr. Benjamin Patton and Dr. Luther Foster, President from 1953-1981. You may begin your breakfast as it is served and at 7:45 the Tuskegee University choir will give us several selections.

[Breakfast].

[Tuskegee University choir sang.]

ANNOUNCER. Ladies and gentlemen, Vice President Al Gore and Tipper Gore. (Applause.)

Ladies and gentlemen, the President and First Lady of the United States. (Applause.)

[Tuskegee University choir sang "God Bless America."] (Applause.)

Sen. HEFLIN. Thank you. If you will remain standing, we will ask Senator Harris Wofford to come and lead us in prayer. He's an active member of the Senate Breakfast Group and was a close advisor to President John F. Kennedy and Dr. Martin Luther King, Jr.

Senator Wofford.

Sen. HARRIS WOFFORD. Our God, God of the Christian and the Jew, God of the Muslim and the Hindu, God of the Buddhists and of those with no church, God of the Republican and the Democrat, God of the rich and the poor, God bless America. May it become America the Beautiful. Help us make the words we just heard become the music and the measure of our lives. Help us listen to the words that unite, not the words that divide; to the words that create, not the words that destroy. For in the beginning is the Word, and the words we live by do become flesh. And in the end, in the last judgment when the Shepherd separates the sheep from the goats, there is no Greek nor Jew nor Arab; there is only the man who to the hungry gave food, the woman who to the thirsty gave drink, the citizen who to the stranger said, "Come in."

So God of all nations, help us, your children of this one human race, so lonely in your vast universe. Help us realize that here

in this world your work must truly be our own. Help us make Thy kingdom come on earth as it is in heaven. From the streets of Calcutta to the peaks of Kashmir, from the hills of Bosnia to the plains of Somalia, from the port of Haiti to the port of Philadelphia, from the coast of California to the inland waters of Russia, from the college halls of New Jersey to the halls of Congress, from Washington, DC, to Washington, PA, may the words we hear today—especially the words from our president and vice president and Mother Teresa—enter our hearts and help us "crown Thy good with brotherhood from sea to shining sea."

Sen. HEFLIN. Thank you, Senator Wofford. Mr. President and Mrs. Clinton, Vice President and Mrs. Gore, and distinguished ladies and gentlemen, it is my pleasure to welcome each of you and to thank you for participating in the 42nd Annual National Prayer Breakfast. The name "International Prayer Breakfast" would probably be a more fitting title for our gathering this morning, since we have as guests not only representatives from 50 states, but from over 150 nations. This morning's event is being translated into six languages since there are those present that do not understand English. Also C-SPAN is carrying this program live, as approximately 500 prayer breakfasts around the country are meeting simultaneously and worshipping with us.

As this year's breakfast approached, I wondered why it and similar gatherings had come to be centered around a breakfast rather than a luncheon or a dinner. I suppose the logical reason would be that it is more convenient to meet early in the morning before the rigors of the busy day set in, but through further research I discovered a more significant meaning behind the National Prayer Breakfast tradition that we have come to observe over the years. Congressman and later Kansas Senator Frank Carlson was an active leader in the House Prayer Group during World War II. He got the idea of associating the prayer group meeting with a breakfast from a New Testament passage in the 21st chapter of the Gospel of St. John.

Several of the disciples had been out fishing in the Sea of Tiberias during the night but didn't catch anything. As they went toward the shore the next morning with the sun rising, they saw Jesus on the beach, and he instructed them to go back and cast their net on the right side of the ship, and when they did, they caught a multitude of fish. As they came ashore again, Jesus was there preparing fish and bread for the disciples, and he said to them, "Come and dine."

Whether we look back at Frank Carlson's inspiration or to the usual and customary practice as the reason, breakfasts provide an excellent setting for a prayerful gathering. We think it is appropriate that we meet here today with this magnificent crowd and with the 500 prayer breakfasts around the country meeting simultaneously to praise the Lord and to ask for his assistance in the many problems that we have.

The president and Mrs. Clinton, the vice president and Mrs. Gore left after they came in to visit with Mother Teresa and also to visit another group of about 600 that are in a different room in this building where this is being telecast to them.

Now I would like to introduce those distinguished guests here at the head table who are not speaking this morning: The first lady, Mrs. William Jefferson Clinton, known to the world as Hillary Rodham Clinton. (Applause.) Mrs. Albert A. Gore, Jr., known affectionately to the members of the Senate as Tipper Gore. (Applause.)

Now the remaining ones at the head table I'll ask you to hold your applause in order that we might conserve time, and then at the end you may applaud. Mrs. Claude M. Kicklighter, Mrs. Ted Stevens, Mrs. Don Shula, Mrs. Earl Hutto, my wife Elizabeth Ann Heflin, Mrs. Mark Hatfield, Dr. Ted Rothstein, Mrs. Harris Wofford, and Mrs. Wintley Phipps. Let's give them all a hand. (Applause.)

Mrs. Janet Hall, the wife of Congressman Tony Hall, is seated in the audience at her request. However, I would like to say that Janet Hall has actively worked on this National Prayer Breakfast. And, Janet, we appreciate you being here, and I ask you to stand at this time. (Applause.)

I want to also particularly welcome the five heads of state we're honored to have with us this morning: The distinguished prime ministers from Dominica, Western Samoa, Tonga, the president of Palau, and the governor general of the British Virgin Islands. If you will please stand. (Applause.)

Congressman Earl Hutto of Florida, who is the chairman of the House Breakfast Group, will now give remarks on their behalf.

Congressman Hutto. (Applause.)

Rep. EARL HUTTO. Thank you, Senator Heflin.

Mr. President, Mrs. Clinton, Mr. Vice President and Mrs. Gore, distinguished head table guests, and ladies and gentlemen, shortly before 8:00 a.m. on any Thursday that the House is in session, members are filing into Room H-130 on the House side of the Capitol. There's no sign on the door that says "Republicans Only" or "Democrats Only." This is the weekly House prayer breakfast. In the Bible, Romans 13:1, it says, "Left every soul be subject under the higher powers, for there is no power but of God; the powers that be are ordained of God."

We are there at that breakfast for a common purpose: to fellowship together in the Spirit of Christ; to pray for you, Mr. President and Mr. Vice President, for government officials throughout the land, for each other and for our great nation, as well as for peace in the world. Included in the program is the reading of Scripture from God's word. Congressman Sonny Montgomery, a long-time stalwart of the prayer breakfast, gives what he calls a report on the sick and wounded, and others are listed for whom we should pray.

Before we sing a hymn, our colleague Jake Pickle tells us all about the composer and his or her inspiration for writing the hymn. This really amazes us, and sometimes we get a big laugh because we suspect that Jake is making a lot of this up as he goes along. (Laughter.) Congressman Pickle is retiring after this year, and he will be greatly missed.

Approximately 50 members attend the breakfast each week. Partisanship is out the window. We are not there as members of a political party or any particular religious groups, but to bond together in gaining strength and inspiration for our service to God and our constituents.

Our speaker each week—one week a Republican and the next week a Democrat—is always a member of Congress but not necessarily someone who regularly attends the breakfast. In fact, oftentimes when we invite a member to come and share his or her faith with us, it really gets their attention in a positive way. They share with us their life and what is in their heart. Some relate the trauma, the hardships, the sadness and disappointments, as well as the joys and triumph over the years. We've had some won-

derful messages and, with each one, inspiration and a better understanding and closer friendship.

You know, across the nation there is cynicism and lack of trust in government. People deplore the bickering, the partisanship that often results in gridlock. With this in mind, I'm often asked, what about the spiritual atmosphere in Washington? And I reply that it's similar to that in your hometown. We are still one nation under God. But is there any doubt that we have lost some of the standards and values that made us great in the first place? There is need to live by the Ten Commandments, the Golden Rule and acknowledge our dependence on Almighty God for solutions to the many problems confronting the world.

God indeed can make a difference in our individual lives, in the nation and the world. So today I bring you greetings from the House Prayer Breakfast Group. We welcome you all, including a warm welcome to those who are with us from many nations around the world. Let me say that we're encouraged that governmental prayer breakfasts are being started in many other countries.

God bless you all. (Applause.)

Sen. HEFLIN. Thank you, Earl Hutto, for those great words.

Chief Judge Barbara Rothstein of the United States District Court for the Western District of Washington will now read from the Old Testament. I hope she doesn't mind me mentioning that today is her birthday. (Laughter.)

Judge Rothstein. (Applause.)

Judge BARBARA ROTHSTEIN. Thank you, Senator.

Mr. President, Mrs. Clinton, Mr. Vice President and Mrs. Gore, honored guests, visiting dignitaries, I shall read from 1 Kings, Chapter 3, beginning at verse 5.

"In Gibeon, the Lord appeared to Solomon in a dream by night, and God said, 'ask what I shall give thee.'

"And Solomon said: 'Thou hast shown unto Thy servant David, my father, great kindness, according as he walked before Thee in truth and in righteousness and in uprightness of heart with Thee, and Thou hast kept for him this great kindness, that Thou hast given him a son to sit on his throne as it is this day. And now, oh, Lord, my God, Thou hast made Thy servant king instead of David, my father, and I am but a little child. I know not how to go out or come in, and Thy servant is in the midst of Thy people which Thou hast chosen, a great people that cannot be numbered nor counted for multitude. Give Thy servant, therefore an understanding heart to judge Thy people, that I may discern between good and evil. For who is able to judge this, Thy great people?'"

"And the speech pleased the Lord that Solomon had asked this thing, and God said unto him: 'Because thou hast asked this thing and hast not asked for thyself long life, neither hast asked riches for thyself nor hast asked the life of thine enemies but has asked for thyself understanding to discern justice, behold I have done according to thy word. Lo, I have given thee a wise and an understanding heart, and I have also given thee that which thou hast not asked, both riches and honor.'"

I have chosen this passage because it is rich with themes relevant to modern times. As a judge myself, it is moving to me to see Solomon's deep concern with doing justice. Man's search for justice and wisdom is a constant theme throughout the Old Testament.

Another aspect of Solomon's dream impacts leaders in any century. Solomon is

shown as a very human being. He is feeling doubts, fears and insecurities. He is following in the footsteps of his father, David, who is one of the greatest kings. Solomon finds himself filled with trepidation about the responsibility he is assuming. In his fear and his concern for his people, he asks the Lord to give him the wisdom and understanding to be able to distinguish good from evil, truth from falsity.

The passage illustrates how even the greatest of leaders can be intimidated by the responsibility they hold for the lives and fortunes of others, that looking into one's heart from a position of power it is acceptable to question one's own adequacy and to ask for divine help, guidance and inspiration.

Finally in the passage, we see that, because King Solomon puts the interests of his people before his own, God richly rewards him.

Thank you. (Applause.)

Sen. HEFLIN. Thank you, Judge, for those words from the Old Testament.

Senator Mark Hatfield, a stalwart of the Senate Breakfast Group is representing the Senate Group this morning. When he was governor of Oregon several years ago, he organized the first governors' prayer breakfast. Senator Hatfield. (Applause.)

Sen. MARK HATFIELD. Mr. President, Mrs. Clinton, Mr. Vice President, Mrs. Gore, my brothers and sisters, 52 years ago, while the terror of World War II engulfed the world, a small group of senators, the vice president of the United States and a member of the Supreme Court met together in the Capitol to discuss the war and to pray.

We have continued meeting since that time. We come together as friends to share a meal and to pray for each other and to pray for the nation. We leave our labels at the door as Democrats, Republicans, liberals, moderates, conservatives. We remove our masks. We remove our egos. And we experience spiritual renewal. In our vulnerability, we wrestle with the great issues confronting us as a nation and as a world, and very often we find that these political and economic solutions that we seek can only be found as spiritual solutions to basically spiritual problems. And, therefore, we pray for spiritual renaissance.

Today, too, we in this room have left our labels at the door. We have assembled from most of the continents of the world and from many islands of the oceans, bringing our different cultures, languages and histories, but we are here today bonded by our common humanity. The inspiration of this gathering reminds us of the power and the beauty in diversity. We are truly a mosaic of magnificent beauty.

We know that we can never realistically be isolated from each other living on this planet. We understand the wisdom of King Solomon when he noted, "He who builds a high gate invites destruction." We also understand the pragmatism of St. Paul, who said that the individual parts of the body, each with its distinctive function, all are interrelated to form the whole person, and so, too, it is with the spiritual body worldwide. Our diversity is our source and foundation of our strength. Without this interrelationship, this connection, we are isolated—a fractured humanity.

As we come together today in the spirit of the reconciling and healing savior, Jesus Christ, my prayer is that our strategies are empowered by love, that the priority of our commitments are to the poor and that our lives are lived as peacemakers in this wounded and hurting world.

Please, God, bless us all with Your understanding. Amen. (Applause.)

Sen. HOWELL HEFLIN. Now I would like to introduce a gentleman, Mr. Fred McClure, who will sing. Fred is a friend of mine as well as of many members of Congress.

Mr. Fred McClure.

[Mr. Fred McClure sang Amazing Grace.]

Sen. HELFIN. Dr. Billy Graham usually joins us each year for the National Prayer Breakfast, but unfortunately, he could not be with us this year. This is only the third time that he has missed since its beginning. He did want me to extend his greetings, and I quote:

"Even though I am in Asia this morning, I am united with you in prayer for the people of America and the world. It is clear that nothing is more important during these critical days than for the leaders of the world to learn to pray together. I salute all of you this morning who share this dream. I would especially like for President and Mrs. Clinton and Vice President and Mrs. Gore to know that my prayers are with them daily."

It is now my pleasure to introduce the vice president of the United States, the Honorable Albert A. Gore, Jr. He brings strong spiritual principles to his job each day. He comes from a long Baptist background, with plenty of old-fashioned Baptist common sense and grit—(laughter)—Al Gore was one of the most active members of our prayer breakfast in the Senate when he served there, and I understand he was likewise when he served in the House. Yesterday he participated in the Diplomatic luncheon for the world leaders, the ambassadors and our international guests from around the world.

Ladies and gentlemen, it is my distinct honor and high privilege to present to you the Vice President of the United States. (Applause.)

Vice President GORE. (Continued applause.) Thank you.

Mr. President, Mrs. Clinton, and distinguished guests, the way Judge Helfin put that extra emphasis on Baptist (laughter)—sometimes a Methodist will do that (laughter)—it reminds me of when the Baptist minister and the Unitarian minister were having an argument, and finally the Unitarian attempted to make up and said, "We all worship the same God." The Baptist minister said, "Yes, you in your way, and I in His." (Laughter.)

And it is a great honor to be here with all of you and a particular honor, may I say, to be blessed with the presence of Mother Teresa, who epitomizes selfless dedication to God's work. Because of her faith, she has helped people regardless of religion and is admired by people of every religion.

We were privileged to spend a few moments with her this morning, and I recalled my own feelings when Tipper and I were driving over here, and I was reflecting on the fact that for just a minute or two I was going to speak here about the power of faith in my life on the same program in which Mother Teresa will shortly speak. And I was reminded of a story that I read in one of the news magazines about five years ago about a basketball game, a rather extraordinary game, in which Michael Jordan scored 68 points. And after the game one of the news reports interviewed a rookie on the team who had scored one point and asked him for his reaction to this extraordinary game. And he said, "I will always remember this as the occasion when Michael Jordan and I combined for 69 points." (Laughter.)

I'm going to remember this breakfast also.

We have all been invited to this morning's breakfast in the Spirit of Christ. Men and

women of many different religious traditions are here, and we are united by our belief that gathering together in prayer, often in small groups for prayer and reflection, is a source of strength and friendship. In my life, I find such groups a source of great solace and strength. And in our world, in this time of religious and ethnic hatred and conflict all over the world, in this time of wars and environmental destruction, in this time of a continuing epidemic of violence here in the United States of America, we need such solace and strength and guidance.

My one point is, at such a time, it is a source of strength just to see so many of us from so many places gathered under one roof able to sing with the ancient psalmists and consider the timeless questions: "Oh, Lord, our Lord, how excellent is Thy name in all the earth, who has set Thy glory above the heavens. When I consider Thy heavens, the work of Thy fingers, the moon and the stars which Thou hast ordained, what is man that Thou art mindful of him?" (Applause.)

Sen. HEFLIN. Thank you, Al Gore. We appreciate your great contribution over the years to the House, the Senate, and now in the Executive Branch.

You mentioned the Baptists and the Methodists. I'm reminded of a story about a fellow that was prone to drink too much on Saturday night. He would go to church on Sunday and would frequently nod when the preacher was preaching. They had brought in a visiting preacher to the Shady Grove Methodist Church and this was what we would call a deep water Methodist—he could go down the deepest, stay the longest, and come up the driest of any minister you ever heard! (Laughter.) Anyway, during the sermon, this border who had had too much to drink on the Saturday night before began to nod and before long he just went off to sleep. And the preacher noticed that several members in the congregation were nodding and he decided he'd better do something to get their attention. So in the middle of the sermon, he says, "If there's anyone in the congregating that wants to go to hell, stand up!" Well, this brother that was asleep, the only thing he heard was, "Stand up!, so up he shoots! (Laughter.) And the preacher turns to him and says, "Well, brother, do you have something you want to say?" He said, "Well, preacher, I don't know what we're voting on, but it looks like you and I are the only ones in favor of it." (Laughter.)

Well, we all admire our next participant in this program. He has had a remarkable record. He has been to Congress several times lifting his voice relative to religious matters. Coach Don Shula of the Miami Dolphins will read from the New Testament. With his 325th victory last November, Coach Shula became professional football's winningest coach. He's taken the Miami Dolphins to five Super Bowls. Coach Shula never hesitates to give credit where it is due. He once told a writer: "I believe that God is up there. I try to live in his likeness. That's my prayer every day—to do the job to the best of my ability in a way that will reflect on his image and likeness."

Coach Shula. (Applause.)

DON SHULA. Thank you, Senator.

Mr. President and Mrs. Clinton, Mr. Vice President and Mrs. Gore, honored guests at the head table, ladies and gentlemen, I want to mention that I'm Catholic. I want equal time up here. (Laughter.)

I've selected two short passages this morning from the New Testament—Matthew 5, verses 1-12, and 1st Corinthians 9, verses 24-27.

The amazing thing about this book written thousands of years ago is how perfectly it applies to the world in which we live today. A man we all admire and whom we all miss, former Speaker of the House Tip O'Neill, called a sermon I would like to read the best political speech ever given. I'd like to dedicate this reading to the memory of a man who put these words into action. Matthew 5, verses 1-12:

"When he saw the crowds, he went up the mountain, and after he sat down, his disciples came to him. He began to teach them, saying '—the Beatitudes—' Blessed are the poor in spirit, for theirs is the kingdom of heaven; blessed are they who mourn, for they shall be comforted; blessed are the meek, for they shall inherit the land; blessed are they who hunger and thirst for righteousness, for they will be satisfied; blessed are the merciful, for they will be shown mercy; blessed are the clean of heart, for they will see God; blessed are the peacemakers, for they will be called children of God; blessed are they who are persecuted for the sake of righteousness, for theirs is the kingdom of heaven; blessed are you when they insult you and persecute you and utter every kind of evil against you falsely because of me. Rejoice and be glad, for your reward will be great in heaven. Thus, they persecuted the prophets who were before you."

The second reading is not for the faint of heart. It takes a lot of toughness to succeed spiritually, and I, coming from the world of physical achievement, especially appreciate St. Paul's athletic analogy to success in the effort. 1st Corinthians 9, verses 24-27:

"Do you know that the runners in the stadium all run in the race, but only one wins the prize? Run so as to win. Every athlete exercises discipline in every way. They do it to win a perishable crown, but we earn an imperishable one. Thus, I do not run aimlessly. I do not fight as if I were shadow boxing. No, I drive my body and train it for fear that, after having preached to others, I myself should be disqualified."

Thank you and have a great day. Thank you. (Applause.)

Sen. HEFLIN. Thank you, Coach.

Congressman Tony Hall of Ohio will now offer the prayer for national leaders. He is dedicated to improving human rights and combating hunger around the world. He's a founding member of the Senate Committee on Hunger, and in April of 1993, Tony Hall helped focus attention on the problem of world hunger by fasting for three weeks in response to the abolishment of that committee.

Congressman Hall. (Applause.)

Rep. TONY HALL. Thank you, Senator.

Mr. President, Mr. Vice President, distinguished guests, ladies and gentlemen, they have a saying in Africa that says that, when the elephants fight, the grass dies. Essentially what it means is that, when the big people fight, when the people in authority—the kings—when they fight, the people, they hurt and oftentimes they perish. And as you look around the world, we have a lot of problems. We have environmental problems. Half the world's water is polluted. We have conflict. We have presently 42 wars going on. We have famine and drought, and we have a lot of people that are really hurting.

It says in the Scriptures that we are to pray for everybody, but specifically to pray for those people in authority so that the people, which is us and the world, will live in peaceful and tranquil lives in all godliness and dignity. And that's what I'd like to do today. Can we bow our heads?

Father, we just thank you for being here, and we thank you for presence. We thank you for the chance to humble ourselves before you. I pray for the leadership of this country, oh, Lord—the President, the Supreme Court, the Cabinet and the Congress, the governors, the mayors, the distinguished visitors and parliamentarians from around the world that are in this room today. Lord. We just ask that you shine down upon us from the standpoint of helping us with our problems.

I pray specifically for President Clinton and his family, that you protect him and that you be with him and when he has to make such complex and important decisions, oh, Lord. Be with him when he's lonely and be with him and his wife as you've been with him for the past few months as they have lost their loved ones. We ask you to watch over him as he directs and guides and shepherds the country. We ask you to bless him, give him wisdom.

We ask that your spirit of love would shine down upon this room, Lord, on each and every leader, wherever they might be, and that we might be people of goodness and kindness and justice and mercy and understanding. We do these things so that the people can have peaceful and tranquil lives living in all godliness and dignity, and we give you all the credit.

I pray in the name of Jesus, amen. (Applause.)

Sen. HEFLIN. It is my pleasure now to present to you Mother Teresa, the recipient of the Nobel Peace Prize and often acknowledged as one who truly loves God and serves him among the poor and the oppressed. She is a woman respected, admired, and loved throughout the world. Her name has become synonymous with selfless service, unconditional love, and pure goodness. Once asked how she sees herself, Mother Teresa answered, "I pray I can be a pencil in God's hand." And so she is. We're deeply honored and touched by her presence with us today.

Mother Teresa. (Extended applause.)

Mother TERESA. (Extended applause.) Make us worthy, Lord, to serve our fellow men throughout the world who live and die in poverty and hunger. Give them through our hands this day their daily bread, and by our understanding love, give peace and joy.

Jesus came to give us the good news that God loves us and that He wants to love one another as He loves each one of us. And to make it easy for us to love one another, Jesus said: "Whatever you do to the least, you do it to me. If you give a glass of water, you give it to me. If you receive a little child in my name, you receive me. So whatever you do to the least, you do it to me."

And where does this love begin? In our own families. How does it begin? By praying together. The family that prays together stays together, and if you stay together, you will love each other as God loves each one of you. So teach your children to pray, and pray with them, and you will have the joy and the peace and the unity of Christ's own love living in you.

As we have gathered together here, I think it would be beautiful if we begin with a prayer that expresses very well what Jesus wants us to do for the least. St. Francis of Assisi understood very well these words of Jesus, and in his life very well expressed them by prayer. And this prayer, which we say every day after holy communion, always surprises me very much, because it is very fitting for each of us, and I always wonder whether 800 years ago when St. Francis lived they had the same difficulties that we have today. I

think that some of you already have this prayer of peace, so we will pray it together.

"Lord, make me a channel of your peace." You have the prayer with you? Will we say it together?

(In unison.) "Lord, make me a channel of your peace. Where there is hatred, may I bring love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy. Oh, Divine Master, grant that I may not so much seek to be consoled as to console; not so much to be understood as to understand; not to be loved as to love. For it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born again to eternal life."

Let us thank God for the opportunity he has given us today to have come here to pray together. We have come here especially to pray for peace, for joy and for love. We are reminded that Jesus came to bring the good news to the poor. He told us what is that good news when he said, "My peace I leave with you, My peace I give unto you." He came not to give the peace of the world, which is only that we don't bother each other; he came to give the peace of heart, which comes from loving, from doing good to others.

And God loved the world so much that he gave his son. It was a giving. God gave his son to the Virgin Mary. And what did she do with him? As soon as Jesus came into Mary's life, immediately she went in haste to give that good news. And as she came into the house of her cousin Elizabeth, Scripture tells us that the unborn child, the child in the womb of Elizabeth, leaps with joy. While still in the womb of Mary, Jesus brought peace to John the Baptist, who leapt for joy in the womb of Elizabeth. The unborn was the first one to proclaim the coming of Christ.

And as if that were not enough, as if it was not enough that God's son should become one of us and bring peace and joy while still in the womb of Mary, Jesus also died on the cross to show that great love. He died for you and for me and for that leper and for that man dying of hunger and that naked person dying in the street, not only of Calcutta but of Africa and all over the world.

Our sisters serve these poor people in 105 countries throughout the world. Jesus insisted that we love one another as he loves each one of us. Jesus gave his life to love us, and he tells us that we also have to give whatever it takes to do good to one another. And in the gospel, Jesus says very clearly, "Love as I have loved you." Jesus died on the cross because that is what it took for him to do good to us, to save us from our selfishness and sin. He gave up everything to do the Father's will, to show us that we, too, must be willing to give up everything to do God's will, to love one another as He loves each one of us.

If we are not willing to give whatever it takes to do good to one another, sin is still in us. That is why we, too, must give to each other until it hurts. It is not enough for us to say, "I love God." But I also have to love my neighbor. St. John said that you are a liar if you say you love God and you don't love your neighbor. How can you love God, whom you do not see, if you do not love your neighbor, whom you see, whom you touch, with whom you live?

And so it is very important for us to realize that love, to be true, has to hurt. I must be willing to give whatever it takes not to harm other people and, in fact, to do good to

them. This requires that I be willing to give until it hurts. Otherwise, there is no true love in me, and I bring injustice, not peace, to those around me.

It hurt Jesus to love us. We have been created in his image for greater things—to love and to be loved. We must put on Christ, as Scripture tells us, and so we have been created to love as he loves us. Jesus makes himself the hungry one, the naked one, the homeless one, the unwanted one, and he says, "You did it to me." On the last day he will say to those on his right, "Whatever you did to the least of these, you did to me." And he will also say to those on his left, "Whatever you neglected to do for the least of these, you neglected to do it for me."

When he was dying on the cross, Jesus said, "I thirst." Jesus is thirsting for our love, and this is the test of everyone, poor and rich alike. We all thirst for love of others, that they go out of their way to avoid harming us and to do good to us. This is the meaning of true love: to give until it hurts.

I can never forget the experience I had in the sitting room where they kept all these old parents of sons and daughters who had just put them into an institution and forgotten them, maybe. I say that in that home, these old people had everything—good food, comfortable place, television, everything—but everyone was looking toward the door. And I did not see a single one with a smile on their face. I turned to a sister and I asked, "Why do these people who have every comfort here, they are there looking toward the door? Why are they not smiling? I'm so used to seeing the smiles on our people. Even the dying ones smile." And sister said, "This is the way it is nearly every day. They are expecting, they are hoping that a son or a daughter will come to visit them. They are hurt because they are forgotten."

And see, this neglect to love brings spiritual poverty. Maybe in our own family we have somebody who is feeling lonely, who is feeling sick, who is feeling worried. Are we there? Are we willing to give until it hurts in order to be with our family, or do we put our interests first? These are the questions we must ask ourselves, especially as we begin this year of the family. We must remember that love begins at home. And we must also remember that the future of humanity passes through the family.

I was surprised in the West to see so many young boys and girls given to drugs, and I tried to find out why, why is it like that, when those in the West have so many more things than those in the East. And the answer was, because there is no one in the family to receive them. Our children depend on us for everything—their health, their nutrition, their security, their coming to know and love God. For all of this, they look to us with trust, hope and expectation. But often, father and mother are so busy they have no time for their children, or perhaps they are not even married or have given up on their marriage. So the children go to the streets and get involved in drugs and other things. We are talking of love of the child, which is where love and peace must begin—there, in our own family.

But I feel that the greatest destroyer of peace today is abortion, because Jesus said, "If you receive a little child, you receive me." So every abortion is the denial of receiving Jesus, the neglect of receiving Jesus. (Applause.) It is really a war against the child, and I hate killing of the innocent child, murder by the mother herself. And if we accept that the mother can kill even her own child, how can we tell other people not

to kill one another? How do we persuade a woman not to have an abortion? As always, we must persuade her with love. And we remind ourselves that love needs to be willing to give until it hurts.

Jesus gave even his life to love us, so the mother who is thinking of abortion should be helped to love—that is, to give until it hurts, her plans, her free time, to respect the life of a child, for the child is the greatest gift of God to the family, because it has been created to love and to be loved.

The father of that child, however, must also give until it hurts. By abortion, the mother does not learn to love, but kills even her own child to solve her problem. And by abortion, the father is taught that he does not have to take any responsibility at all for the child he has brought into that world. So that father is likely to put other women into the same trouble. So abortion just leads to more abortion.

Any country that accepts abortion is not teaching its people to love one another but to use any violence to get what they want. This is why the greatest destroyer of love and peace is abortion. (Applause.)

The beautiful gift God has given our congregation is to fight abortion by adoption. We have given—(applause)—we have given already from one house in Calcutta over 3,000 children in adoption, and I can't tell you what joy, what love, what peace those children have brought into those families. It has been a real gift of God for them and for us. I remember one of the little ones got very sick, so I sent for the father and the mother, and I asked them, "Please, give me back the sick child; I will give you a healthy one." And the father looked at me and said, "Mother Teresa, take my life first, then take the child." So beautiful to see so much love, so much joy that little one has brought into that family.

So pray for us that we continue this beautiful gift. And also I offer you—our sisters who are here. Anybody who doesn't want a child, please give it to me. I want the child (Applause.)

I will tell you something beautiful. As I have already told you, by adoption, by care of the mother and adoption for her baby, we have saved thousands of lives. We have sent word to the clinics, to the hospitals and police stations, "Please don't destroy the child; we will take the child." So we always have someone tell the mothers in trouble, "Come, we will take care of you; we will get a home for your child." And we have a tremendous demand from couples who cannot have a child, but I never give a child to a couple who have done something not to have a child. Jesus said, "Anyone who received a child in my name, receives me." By adopting a child, these couples receive Jesus. By aborting a child, a couple refuses to receive Jesus.

Please don't kill the child. I want the child. Please give me the child. I'm willing to accept any child who would be aborted and to give that child to a married couple who will love the child and be loved by the child.

I know that couples have to plan their family, and for that there is natural family planning. The way to plan the family is natural family planning, not contraception. In destroying the power of giving life or loving through contraception, a husband or wife is doing something to self. This turns the attention to self, and so it destroys the gift of love in him and her. In loving, the husband and wife must turn the attention to each other as happens in natural family planning,

and not to self as happens in contraception. Once that living love is destroyed by contraception, abortion follows very easily. That's why I never give a child to a family that has used contraception, because if the mother has destroyed the power of loving, how will she love my child?

I also know that there are great problems in the world, that many spouses do not love each other enough to practice natural family planning. We cannot solve the problems in the world, but let us never be involved in the worst problem of all—to destroy love, to destroy life.

The poor are very great people. They can teach us so many things. Once one of them came to thank us for teaching her natural family planning and said, "You people who have practiced chastity—you are the best people to teach us natural family planning, because it is nothing more than self control of the love for each other." And what this poor person said is very true. These poor people maybe have nothing to eat. Maybe they have not a home to live in, but they can still be great people when they are especially rich in loving one another as God loves each one of them.

When I pick up a person from the streets hungry, I give him a plate of rice, a piece of bread. But a person who is shut out, who feels unwanted, unloved, terrified, the person who has been thrown out of society, that spiritual poverty is much harder to be overcome. And abortion, which often follows from contraception, causes the people to be spiritually poor, and that is the worst poverty and the most difficult to overcome.¹²¹ Those who are materially poor can be very wonderful people. One evening we went out and we picked up four people from the street, and one of them was in a most terrible condition. I told the sisters, "You take care of the other three; I will take care of the one who looks worse." So I did for her all that my love can do. I put her in bed. And there was such a beautiful smile on her face. She took hold of my hand, and she said one thing only: Thank you. And she died. I couldn't help but examine my conscience before her, and I asked what would I say if I were in her place? And my answer was very simple. I would have tried to draw a little attention to myself. I would have said: "I'm hungry. I'm dying. I'm cold. I'm in pain." But she gave me much more. She gave me her grateful love. She died with a big smile on her face.

Then there was the man we picked up from the drain half eaten with worms, and after we had brought him to the home, he only said, "I've lived like an animal in the street, but I'm going to die as an angel, loved and cared for." Then, after we had removed all the worms from his body, all he said with a big smile was, "Sister, I'm going home to God," and he died. It was so wonderful to see the greatness of that man who could speak like that without blaming anybody, without comparing anything, like an angel. This is the greatness of people who are spiritually rich even when they are materially poor.

We are not social workers. We may be doing social work in the eyes of some people, but we must be contemplatives in the heart of the world, for we must bring that presence of God into your family, for the family that prays together stays together. There is so much hatred, so much misery, and we with our prayer, with our sacrifice, are beginning at home. Love begins at home, and it is not how much we do, but how much love we put into what we do.

If we are contemplatives in the heart of the world with all these problems, these

problems can never be discouraging. We must always remember that God tells us in Scripture even if the mother could forget the child in her womb—something impossible—but even if she could forget, I will never forget you. As so, here I'm talking with you. I want you to find the poor here, right in your own home first, and begin to love there. Be the good news to your own people first and find out about your next door neighbor. Do you know who they are?

I had a most extraordinary experience of love of neighbor with a Hindu family. A gentleman came to our house and said, "Mother Teresa, there is a family who have not eaten for so long. Do something." So I took some rice and went there immediately. And I saw the children—their eyes shining with hunger. I don't know if you have ever seen hunger. But I have seen it very often. And the mother of the family took the rice I gave her and went out. When she came back, I asked her, "Where did you go? What did you do?" And she gave me a very simple answer, "They are hungry also." What struck me was that she knew—and who are they? A Muslim family—and she knew. I didn't bring any more rice that evening because I wanted them, Hindus and Muslims, to enjoy the joy of sharing. But there were those children, radiating joy, sharing the joy and peace with their mother because she had the love to give until it hurts. You see, this is where love begins—at home in the family.

So, as the example of this family shows, God will never forget us, and there is something you and I can always do. We can keep the joy of loving Jesus in our heart and share that joy with all we come in contact with. Let us make that one point, that no child will be unwanted, unloved, uncared for or killed and thrown away. And give until it hurts—with a smile.

As you know, we have a number of homes here in the United States where people need tender love and care. This is the joy of sharing. Come and share. We have the young people suffering with AIDS. They need that tender love and care. But such beautiful smiles—I've never yet seen a young man or anybody die displeased or angry or frightened. They're merely going home to God. Such a beautiful smile always. So let us pray that we'll have the gift of sharing the joy with others and loving until it hurts.

Also I talk so much about giving with a smile that once a professor from the United States asked me, "Are you married?" And I said yes. And I find it sometimes very difficult to smile at my spouse, Jesus, because he can be very demanding sometimes. (Laughter.) This is really something true, and there is where love comes, when it is demanding and yet we can give it with joy. One of the most demanding things for me is traveling everywhere and publicity. I have said to Jesus that, if I don't go to heaven for anything else, I will be going to heaven for all the traveling, with all the publicity, because it has purified me and sacrificed me and made me really ready to go home to God. (Laughter.)

If we remember that God loves us and that we can love others as he loves us, then America can become the sign of peace for the whole world, the sign of joy from where a sign of care for the weakest and the weak, the unborn child, must go out to the world. If you become a burning light of justice and peace in the world, then really you will be true to what the founders of this country stood for. This is to love one another as God loves each one of us. And where does this love begin? In our own home. How does it begin? By praying together.

Pray for us that we continue God's work with great love. The sisters, the brothers, and the fathers, lay missionaries of charity and co-workers, we are all one heart full of love, that we may bring a joy of loving everywhere we go.

And my prayer for you is to love one another, for this peace and joy in the family, that you may grow in holiness. Holiness is not the luxury of the few. It is a simple duty for you and for me. Because Jesus has very clearly said, "Be ye holy as the Father in heaven is holy." So let us pray for each other that we grow in love for each other and through this love become holy as Jesus wants us to be, for he died out of love for us.

One day I met a lady who was dying of cancer in a most terrible condition, and I told her—I said, "You know, this terrible pain is only the kiss of Jesus, a sign that have you come so close to Jesus on the cross that he can kiss you." And she joined her hands together and said, "Mother Teresa, please tell Jesus to stop kissing me." (Laughter.)

So pray for us that we continue God's work with great love, and I will pray for you, for all your families. And also I want to thank the families who have been so generous in giving their daughters to us to consecrate their life to Jesus by the vow of poverty, chastity, obedience, and by giving wholeheartedly through service to the poorest of the poor. This is our fourth vow in our congregation, and we have a novitiate in San Francisco where we have many beautiful novices who are wanting to give their whole life to Jesus in the service of the poorest of the poor.

So once more I thank you for giving your children to God. And pray for us that we continue God's work with great love.

God bless you all. (Applause.)

Sen. HEFLIN. Amen. Mother Teresa, you are truly a pencil in God's hand.

Senator Ted Stevens of Alaska, the co-chairman of the Senate Breakfast Group, will now introduce the President.

Senator Steven. (Applause.)

Sen. TED STEVENS. Mr. President, Mrs. Clinton, Mr. Vice President, Mrs. Gore, and those who have come to be united in prayer. You know, when the Senate breakfast comes to a close, we stand around tables, and they're just like yours now, and hold the hand of the Senator on either side of us, and we are truly united in prayer. You need that. Why don't you stand up? And we will do the same thing right now. Let us join together in silent prayer not only for the President and the Vice President and their families and Mother Teresa, but all who have worked so hard to make this international prayer breakfast such a success this year. Let's just have a silent prayer for a few moments.

(Pause for silent prayer.)

And now it is my great privilege and high honor to introduce to you William Jefferson Clinton, the President of the United States. (Applause.)

President CLINTON. Thank you very much. Thank you very much, Senator Stevens. Ladies and gentlemen, you have to forgive me. My voice has not quite returned.

The Vice President said earlier that being on the same program with Mother Teresa reminded him of the basketball player who scored one point in a game where Michael Jordan scored 68, and then he said for the rest of his life, "Well, we scored 69 points together." I feel like the guy who comes in with five seconds lefts to go, where the team's gotten a 40-point lead and all I have to do is hold the ball until the buzzer sounds. (Laughter, applause.)

First of all, I thank you, Mother Teresa, for your moving words and, more importantly, for the lifetime of commitment, for you have truly lived by what you say, something we would all do well to emulate, and I thank you for that. (Applause.)

Like all of you, I was so moved by the profession of faith and the experiences of Mother Teresa that almost anything that any of us could say would be anti-climactic. However, I would like to make these points as briefly as I can, for we come here to pray for those in authority, authority given by the people of the United States under our Constitution and laws, for those with the responsibility and the opportunity of making decisions every day which affect all of us.

First I say that this prayer breakfast is an important time to reaffirm that in this nation where we have freedom of religion, we need not seek freedom from religion. The genius of the book which I have—(applause)—the genius of the book which I have promoted almost shamelessly for the last several months, "The Culture of Disbelief," by Professor Stephen Carter, is that very point, that we should all seek to know and to do God's will, even when we differ.

Second, if we really seek to do that, it requires certain personal characteristics that very frankly all of us in this room who have ever been elected to anything have abandoned from time to time, including me. It requires, first, that we be humble, that we know that even as we seek to do God's will, we remember what President Lincoln said, "The Almighty has his own purposes, and we are not capable of fully knowing them."

It requires, second, that we be honest and that we be fair. Sometimes I think the commandment we most like to overlook in this city is thou shalt not bear false witness.

Third, it requires that we give our bitterness and our resentments up. I was thinking of this when Mother Teresa told the story of the person who died in her arms, saying simply, "Thank you"—not "I'm cold, I'm hungry," a simple thank you—someone with more cause to be resentful, more cause to be bitter, more cause to be angry than anyone in this room could ever be bitter or angry or resentful because of what one of us has said or done to the other and still dying with a simple "thank you."

Somehow we all have to give up our resentments. We have to find the courage and the faith to forgive ourselves and to forgive our foes. And if we cannot, we will surely fail.

And finally, that which will permit us to do what Mother Teresa has done: to focus every day on other people. If Christ said we would all be judged by how we treated the least of these—the hungry, the thirsty, the naked, the strangers, the imprisoned—how can we meet that test in a town where we all spend so much time obsessed with ourselves and how we stand on the totem pole and how we look in the morning paper? Five years from now it will be nothing. Five hundred years from now the papers will be dust. And all that will endure is the strength and the integrity and the beauty of what we felt and what we did.

Today, this headline is in our paper: "Nineteen Children Found Amid Squalor in Chicago Apartment." Not in Calcutta, but in Chicago. Nineteen children living amid human waste and cockroaches, fighting a dog for food. I say to you, we will always have our differences, we will never know the whole truth, of course that this true. But hopefully we have learned today again that we must seek to know the will of God and

live by it, that to do it we have to give up our bitterness and resentment, that we have to learn to forgive ourselves and one another and that we have to fight, as hard as it is, to be honest and fair. And if we can be focused on others and not ourselves, realizing that we did not one whit of power from the Constitution and laws from the framers to do anything for ourselves. It all comes from the purpose of helping others. Then perhaps we can do honor to the faiths and to the God who brought us all here today.

Thank you, and God bless you. (Applause.)

Sen. HEFLIN. Amen, amen, amen. This has been a great experience. It's one of the most wonderful prayer breakfasts that we've ever had. And now, Wintley Phipps will sing one of our favorite hymns: "How Great Thou Art." A Grammy award nominee and accomplished gospel singer, Wintley Phipps writes music and sings as a way of doing something beautiful for God. He once said, "I hope when people listen to my music, they sense a life that is committed. The purpose of music is to glorify God. After all, he is the one who gives us the song."

After the first verse of How Great Thou Art, the Tuskagee choir will sing the second verse, and then we will have audience participation. We ask you on the third verse to stand and join in singing the third verse. And I hope that the rafters of this hotel will be moved. You will find the words of How Great Thou Art printed in your program.

Mr. WINTLEY PHIPPS. The greatness of a nation is its voluntary faith. God is great. Amen? God is great.

[Mr. Phipps sang "How Great Thou Art" with the choir and audience participation.] (Applause.)

Sen. HEFLIN. Hallelujah! One of the most exciting things to happen over the last four years has been the quiet, behind-the-scenes partnership between college student leaders and political, business, and community leaders to mobilize the spiritual resources of our nation's youth. My colleague, Senator Pete Domenici of New Mexico, along with former Vice President Dan Quayle, has led this movement by hosting a National Student Leadership Forum on Faith and Values and Leadership. This past year Vice President and Mrs. Gore has joined Senator Domenici and many of my colleagues to continue this fruitful time of interaction with young people.

To bring our closing prayer, I'm pleased to introduce Midshipman Anthony Bilotti of California, who is in his second year at the United States Naval Academy.

Mr. Bilotti. (Applause.)

Midshipman ANTHONY BILOTTI. President Clinton, Mother Teresa, thank you very much for your inspirational words which I'm sure have touched us all.

On behalf of thousands of students across America, I'd like to thank the Vice President, Members of Congress and other national leaders for demonstrating a way to come together to learn about the precepts of Christ and about caring for others. After accepting an invitation for a gathering such as this one here this morning and hearing the Vice President and others discuss issues that count most in life, I along with many other young people across America are making significant changes in our priorities.

At this time I ask you to please join me in prayer.

Heavenly Father, thank you for allowing us to live in a country where the leaders are willing and able to discuss spiritual as well as material values. Lord, we thank you for bringing us here today on such a great occa-

sion. We pray that you give our national leaders the strength, courage and wisdom to make the difficult decisions that face our turbulent society on the domestic scale as well as in the world wide arena. Help us, dear God, to practice what we have heard here this morning. In Jesus' name we pray, amen.

Sen. HEFLIN. Please, continue to stand at your table while the President and Vice President leave with the heads of state.

This concludes our program this morning, but I'd like to leave you with a quote from Philip Brooks, who once said, "Do not pray for easy lives. Pray to be stronger people. Do not pray for tasks equal to your powers, pray for powers equal to your tasks." As we leave this morning, may we leave stronger, with a sense of renewed energy and spirituality to perform the tasks that await us and to face the problems that lie ahead.

God bless each and every one of you.

SAL MANCINI: A RHODE ISLAND LEGEND

Mr. PELL. Madam President, I wish to share with my colleagues the sad news of the death of Sal Mancini, 74, the mayor of North Providence, RI, and to share with my colleagues the inspiring record of his lifelong dedication.

It seems that I cannot remember a time when I did not know Sal. He was a colorful character and a consummate politician. His influence was felt far beyond the town lines of North Providence, where he served as mayor for more than two decades.

Sal was a lifelong bachelor who made the people of North Providence his extended family. He was known to everybody as Sal. He dedicated his life to the town and his hard work left a legacy of friends and colleagues who will miss him terribly.

I, for one, considered myself a friend and I know that I am only one in a company of thousands. Sal worked for people. He made the government work, he ran the town and he made things happen. We have lost both a leader and a good friend.

In a time when Rhode Island towns are hard pressed by crunching economic pressures, North Providence seems to shine as a success story. As far as I am concerned, Sal can take the credit.

Frankly, I know of nobody else who worked harder for the town and I know of nobody else who has become more identified with North Providence. Sal will be truly missed and we will not forget him.

I ask unanimous consent that an article from the Providence Journal of April 18, 1994, entitled "Sal Mancini: Alive in Legend," be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SAL MANCINI: ALIVE IN LEGEND

(By James H. McDonald and Steve Winter)

NORTH PROVIDENCE.—At Andrew's Restaurant, across Smith Street from Town Hall, Salvatore Mancini's face smiled from a

picture taped to a column as owner Patricia Massey echoed the shock felt by other townspeople at the news that North Providence's first and only mayor had died.

"It's just like losing your best friend," said Massey, who had known Sal Mancini since she was a child. "He wasn't just our mayor; he was our friend. He went to every wake, every function in town. He didn't miss a thing."

When Katherine Hawkins learned that Mancini had died, she responded with stunned silence, then shook her head in disbelief.

"I figured he'd live forever," Hawkins said. "He was a personality. This is really sad. It's the passing of an era, I guess. He was always visible, always willing to listen. Geez, I can't believe it."

Her husband, David Hawkins, remembers Mancini as a man "who ran the town from the hardware store until he was elected," referring to Ace Hardware, near Waterman Avenue and Smith Street, formerly owned by Mancini.

"That's where I met him," David Hawkins said, "and, as far as I'm concerned, he was a good man."

"A lot of politicians didn't like him, but the people did. That's how he stayed in office. I'll go out of my way to attend his funeral."

The 74-year-old Mancini, who had been hospitalized twice since last year, died Saturday night of cardiac arrest, at St. Joseph Hospital's Fatima Unit.

He was a legend.

Handshake by handshake, favor by favor, Mancini built a political machine that dominated local politics for nearly 30 years. He was also a figure of statewide political importance, serving as chairman of the state Democratic Party from 1985 to 1991.

Yesterday, there were signs of mourning throughout the town. At Town Hall, the U.S. flag flew at half staff; passing motorists slowed, almost reverentially, and glanced briefly toward the front door.

Inside, department heads met to make plans to keep the town's business running smoothly. When the meeting was over, three people sobbed openly as they descended the staircase from the second floor.

Town Council President A. Ralph Mollis, who was sworn in as acting mayor last night, announced that Town Hall and the Public Works Department would be closed today.

Funeral arrangements were incomplete. There was talk of having the mayor lie in state at the Salvatore Mancini Union Free Library, in anticipation of crowds that would overwhelm Town Hall.

"He helped everybody—the young, the old and the in-between," said 52-year-old resident Anthony Norato. "I guess it was his way of saying thank-you to the people. He was just an unbelievable guy."

The community has "lost someone who dedicated his life to the town of North Providence and its people," said Mollis.

A TRUE GENTLEMAN

Governor Sundlun yesterday called Mancini an "old-school" politician who left a "legacy of good government."

Mancini "provided honest and effective government," said Sundlun. "He was always courageous, loyal to the Democratic Party, frank in his opinions and courageous. When under attack, he was at his best, dignified and restrained. He was a true gentleman."

Sen. Claiborne Pell, in a statement, recalled Mancini as "a friend of mine for many years. As mayor of North Providence for two decades, he proved himself to be a strong,

warm-hearted Democrat. He will be much missed by his many colleagues and friends."

In many ways, Mancini was the consummate politician.

He had no skills as an orator, but he didn't need them. He charmed people one at a time, bestowing the Mancini magic by his personal touch, his involvement in a variety of organizations, his ability to find money for the little things that he knew constituents appreciated.

Jim Pepe, 13, a member of the North Providence Babe Ruth League, paused from batting practice at the league field, on Smithfield Road, and recalled that Mancini "tossed out the first ball at all our games. And he let us use Town Hall for our D.A.R.E. program, and he came to all our baseball banquets."

Lou Zammarelli, the league coach, recalled Mancini's purchase of uniforms for the team when it won the state championship in 1992.

"He bought the uniforms so we could show off Rhode Island at the New England Tournament in Vermont," Zammarelli said, "and contributed toward our team jackets. We couldn't get lights out of him for night games, but he was always there for sports leagues in town."

ALWAYS COOPERATIVE

Flora Carbone, chairwoman of the Mayor Salvatore Mancini Union Free Public Library and Cultural Center, said the mayor "always did everything we asked, always cooperative. If he did something I didn't like, I'd swear at him in Italian and he just laughed. He thought a lot about the library."

Terry Patriarca, who remains angry at being laid off from his Public Works Department job by Mancini, said he'll miss the mayor nonetheless.

"I used to drive him around when he couldn't find a driver," said Patriarca. "He had a big heart. He couldn't say no. If he could do you a favor, he would. He was like a best friend to North Providence."

Mike Favocci, who works at the Jolly Roger Smoke Shop on Smith Street, knew Mancini only by reputation.

"From what I hear, he did a lot to pave the way for small business owners in the area," Favocci said. "He certainly left a legacy, and I don't envy his replacement. Those are big shoes to fill. You don't change 20 years overnight. The trouble is, too often people remember the bad press he got. People talk about the history of North Providence, but Sal Mancini is the history of North Providence."

FIRST ELECTED IN 1964

Mancini was a lifelong bachelor noted for his white hair, dark suits and sartorial splendor. Everyone called him "Sal," the name on his license plate.

He was first elected to public office in 1964 when, as a wealthy electrician and hardware store owner, he defeated an incumbent Democrat on the Town Council.

He was elected mayor in 1973, when the post was established by charter.

He was the state's longest-reigning municipal chief, and few would dispute that Mancini had been the boss of North Providence for the last quarter-century.

TAINTED BY RISDIC COLLAPSE

His career was not without its ups and downs.

His resignation, in 1991, as Democratic State Committee chairman was linked to the credit union scandal of that year. He was a member of the Central Credit Union board of directors when it closed in the RISDIC collapse, and many of the other directors had been Mancini cronies. It was from that insti-

tution and from Greater Providence Deposit that he withdrew \$150,000 just before RISDIC passed into history.

He denied that he acted on inside information, and when his withdrawals became public, he offered to return the money. By then, however, lawsuits had begun flying about, and his offer was refused.

In late 1982, Mancini was indicted by a federal grand jury on an extortion charge alleging that he demanded \$2,000 in exchange for occupancy permits for condominiums.

Last February, a jury found him not guilty of the extortion charge.

Sundlun said yesterday the case should never have come to trial.

"The allegation at the time was that it was an attempt to keep (then U.S. Attorney) Lincoln Almond in his job," Sundlun said. "I don't know if that was true or not, but it was unfair to use Sal Mancini for that purpose." Almond is Sundlun's prospective Republican opponent this fall.

Mancini was known for his skill in manipulating patronage jobs. Occasionally a public relations blunder surfaced, such as his decision in 1985 to give a firefighter job to the son-in-law of a local Democratic leader. The new firefighter turned out to be a convicted arsonist.

Mancini lived in a condominium built by developer Richard Baccari, a campaign contributor. In 1989 he sided with Baccari in a fight over the construction of an apartment building, and refused to pay a lawyer hired by the Town Council to battle the construction.

"NICE TO HAVE FRIENDS"

Although tarred by the RISDIC scandal, Mancini had no trouble winning reelection in 1992 after a tough primary fight.

Mancini's victory celebration that primary night, in a back room at Julio's Family Restaurant, typified the mayor's style. Appearing after it was clear he had beaten two Democratic opponents, he didn't take to the podium and make a speech. He started working the crowd.

When he finally made it to the front of the room, his words were simple and to the point: "It's nice to have a lot of friends."

Then it was back to the handshakes, back to the one-on-one style that gave Mancini his clout.

His challenger in the ensuing general election, Edmund R. Calcagni, said in an interview yesterday that he decided to take on the mayor because he thought Mancini's performance had slipped badly in recent years.

"Taxes were being increased and services were poor," said Calcagni. "I didn't want to hurt Sal personally, because he was a nice fellow, but the town was going downhill."

Calcagni said he canvassed the entire town twice and ran into a lot of criticism of Mancini.

"A lot of people said: 'Get that crook out of there,'" said Calcagni.

But Mancini still had the magic. He plastered Calcagni at the polls.

ALWAYS POLITICALLY LOYAL

Former Lt. Gov. Roger Begin, now an executive at Fleet National Bank, said he cannot forget the help Mancini provided during his rise from state representative, even though he hardly knew Mancini when he first solicited his support in the mid-1980s.

"Because some of the people who supported me were friendly with Sal, that was enough," was Begin. "His loyalty was always unwavering."

Begin rejected the notion that Mancini was an autocratic leader. He had so many friends

and supporters, said Begin, that nearly everyone at a meeting or political gathering was in Mancini's corner to begin with.

"People who had that gift, it's hard to describe how they did it. But it was done out of deference to his leadership," said Begin. "He built a consensus."

"He manner more often than not tended to be low key, but when he was unhappy, you knew it."

Leo Perrotta, the mayor's chief of staff, has said that Mancini developed a reputation as gruff and unpolished because he was an unskilled public speaker and uncomfortable in front of crowds.

"People thought he was a real tough, hard-nosed guy," said David Baricelli, former executive director of the state Democratic party. "But he was really a cream puff. If you knew him, you knew him, you could get anything out of him."

Former Town Councilman John A. Celona, a longtime Mancini supporter who broke with the mayor and opposed him in that bitter three-way primary in 1992, said he was "shocked" at the news of the mayor's death. "You always felt he would be there," said Celona. "I have nothing but sympathy for the mayor's family."

Brown University political science professor Darrell West said Mancini's passing may not have major implications for the state because "his role in state politics was highly diminished." But for North Providence, he said, "the consequences will be enormous."

COMPARED TO MAYOR DALEY

He compared Mancini's role in the town to that of Mayor Richard Daley of Chicago.

"No one could command such forces or have the same resources," said West, who predicted major turf battles in North Providence.

Change, he said, is inevitable.

"Even if it's a Democrat (who becomes the next mayor), it will be a different type of Democrat," said West. "It will almost certainly be a Democrat of a different generation."

WORKERS TAKE BLESSED BREAK FROM THEIR TOIL

Mr. HELMS. Madam President, I ran across a remarkable month-old newspaper clipping Saturday afternoon as I was trying to reduce the size of a pile of accumulated correspondence. The headline from the March 28 edition of the Raleigh, NC, News & Observer told it all—or almost all of it: "Voluntary Sessions Bring Scriptures Into the Workplace."

What it did not mention, and there was no reason it should have, was my personal relationship years ago with a Raleigh City bus driver named Rufus Moore. Let me mention it now.

Dot Helms and I had not been married long when I finished my inconspicuous and unheroic wartime stint in the Navy, and became news director at Raleigh's radio station WRAL. Rufus Moore was driving a city bus whose route began downtown near the radio station and followed a winding route to and beyond Dot's and my home on Stone Street in Raleigh's suburban area.

Today, Rufus W. Moore and his fine wife, Joan, own the thriving R.W.

Moore Equipment Co. in Raleigh, which happens also to be the dealership in eastern North Carolina for the John Deere Co.

Madam President, Rufus and Joan Moore faithfully practice their spiritual values; they now own and operate a sizable business in Raleigh. When I called Rufus Saturday afternoon to praise him for the newspaper account of his Christian witness, he chuckled and said:

Well, Jesse, I'm 70 now and I can draw full Social Security without my private income affecting it. You know what I'm doing with it? I'm sending my Social Security check each month to pay for the training of two missionaries—so I'm using Uncle Sam's money for something that maybe is taboo up there in Washington, but there's not a thing they can do about it.

Mr. President, this is the genial fellow who always waited a minute or so for me when I finished my news broadcast at 6:30 each evening and hot-footed it to the nearby bus stop for the ride home. Rufus is a successful businessman, but he still has his priorities straight—as he always has.

Madam President, I need not describe the contents of the news story that I am about to include in the RECORD. Suffice it to say that Rufus and Joan Moore are giving their employees the voluntary opportunity to participate in Bible study on the job. It's a fascinating story which I believe Senators and others will enjoy.

Therefore, Madam President, I ask unanimous consent that the article from the March 28 edition of the Raleigh News & Observer be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Raleigh News & Observer, Mar. 28, 1994]

VOLUNTARY SESSIONS BRING SCRIPTURES INTO THE WORKPLACE (By Deidra Jackson)

GARNER.—When the clanking and whirring of motors and electric tools roar through the offices of R.W. Moore Equipment Co., it's hard to find a quiet place.

But on Mondays, some employees claim an inner sanctum in a company training room when they close the door and pray.

These workers, usually a mixture of about 15 blacks and whites, gather at noon for weekly bible study sessions, a voluntary 30-minute religious break begun two years ago by the company's co-owner, Joan Moore.

Pensive and attentive, the employees listened Monday as Allen Terry, the firm's product-support manager, stood in front of a world map and related the work ethic to scriptures.

"If we commit ourselves to hard work, we must balance it with proper priorities in life, meaning the Lord and family," Terry told the group. "If we remember that we're working for the Lord and not for man, we can improve our performance in the workplace."

His talk of Genesis, Revelation and other books of the Bible muffled the sounds of nearby mechanics servicing John Deere in-

dustrial machinery inside the 20,000-square-foot building on U.S. 70 West.

The group members take turns leading the study, which Moore started as a practice session for a women's Bible class she helps teach every Tuesday at Garner Methodist Church.

"This is a great opportunity," said L.D. Collier, a mechanic who participates regularly. "There are very few workplaces where there's freedom to look in the Bible."

Since Collier began attending the meetings, he has led sessions on creationism, the fate of mankind and the responsibility of government as mandated by God.

"It helps me through the day and week," Collier said. "Christians are in need of being around other Christians to hear the Word."

Other employees also consider the spiritual break therapeutic.

"I learn a little more about the Bible every day," said Grover Worthington, a service manager. "I come away with a good feeling."

That pleases Mrs. Moore, who along with her husband made the spiritual lunch break permanent after some employees began attending regularly.

"We would like for them to have the opportunity to come and hear about Jesus Christ," Mrs. Moore said. "I'm sure there are some that come here and don't go to church."

Thomas Allen, a custodian at the company, said he thinks more businesses should offer Bible breaks.

"This could be beneficial to all employees," Allen said. "Mr. Moore doesn't twist your arm or beg you, but asks if you'd like to come."

R.W. Moore stresses to his nearly 50 employees that the Bible sessions aren't required or even encouraged.

"They're absolutely voluntary," Moore said. "You come on your own, and if it's a benefit to you, that's fine."

Moore said he can tell that the employees who regularly fill the training room on Mondays are profiting from the sessions.

"They seem happier and stop to consider other people more," Moore said. He and his wife have owned the company for 32 years.

Jerry Campbell, a shop foreman, was among the first few employees to begin studying the Bible at work.

"It helps me get through the week, with everything going on around us," Campbell said. "Some say it's hard to believe in someone you've never seen before, but I can't get by without him."

IRRESPONSIBLE CONGRESS? TAKE A LOOK AT THIS

Mr. HELMS. Madam President, the incredibly enormous Federal debt is like the weather—everybody talks about the weather but nobody does anything about it. And Congress talks a good game about bringing Federal deficits and the Federal debt under control, but there are too many Senators and Members of the House of Representatives who unflinchingly find all sorts of excuses for voting to defeat proposals for a constitutional amendment to require a balanced Federal budget.

As of Friday, April 29, at the close of business, the Federal debt stood—down to the penny—at exactly \$4,568,703,047.36. This debt, mind you, was run up by the Congress of the Unit-

ed States, because the big-spenders in the U.S. Government cannot spend a dime that has not first been authorized and appropriated by Congress. The U.S. Constitution is quite specific about that.

And pay no attention to the nonsense from politicians that the Federal debt was run up by Ronald Reagan or George Bush. The Congress is the villain.

Most people cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban missile crisis was going on. A billion minutes ago, not many years had elapsed since Christ was crucified.

ELECTIONS IN SOUTH AFRICA

Mr. MOYNIHAN. Madam President, last week we witnessed an exhilarating event for those of us who have long hoped for change in South Africa. The fruits of years of struggle for an end to apartheid in South Africa have ripened as the country held its first multi-racial election.

The votes of those oppressed by decades of racial segregation will propel South Africa into a new era of political participation and racial equality. Those who have tried to scuttle the elections through political manipulation, threats and violence have failed. The enthusiasm of the people of South Africa, the majority of whom have waited their whole lives for this opportunity, is unparalleled.

Only a few years ago the possibility of holding these elections was remote. It is a testament to the bravery of those oppressed by apartheid and to the indomitable desire for freedom that after this long and difficult struggle those seeking fundamental liberties have prevailed. Despite rising international pressure and growing popular unrest, the government clung to the fetters of apartheid.

As early as 1975 the apartheid government felt the effects of international scrutiny, when the United Nations General Assembly adopted a resolution entitled "Solidarity With the South African Political Prisoners." I had the honor of representing the United States as the Permanent Representative to the United Nations when this matter came before the Assembly. The United States delegation presented a very strong lawyer-like case against apartheid by documenting specific political prisoners, including Nelson Mandela, held in South Africa and thereby refuting their United Nations Representative's claim that not one individual was held in South Africa because of their opposition to apartheid.

Nelson Mandela's crime for which he served 27 years in prison, was to advocate equality and democratic reforms. He was finally released 9 days after

President F.W. de Klerk delivered his February 2, 1990 speech in which he announced that political prisoners would be released, the ban on political groups such as the African National Congress would be lifted and the intention of the government to actively seek a peaceful deconstruction of apartheid. Upon this release, Mr. Mandela repeated a statement he made during his 1964 trial, in which he stated:

I have fought against white domination, and I have fought against black domination. I have cherished the idea of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an idea for which I am prepared to die.

Since then he has worked to fulfill his noble aspiration.

The United States and others continue to support democratic change in appropriate ways. A year later, when the Bush administration proposed lifting economic sanctions against South Africa, I stated for the record that while de Klerk reforms were a praiseworthy development in South Africa, more was needed:

The reality of apartheid remains and we must not permit the South African Government to believe that it has done enough, that the international community is satisfied. The truth is very different. The South African Government has only just begun to correct the injustice of apartheid and the United States Congress will be monitoring its continued progress closely.

And we will still be monitoring events in South Africa closely to be sure the elections were fair and the transfer of power is smooth and according to schedule. As the vestiges of the legally-enforced racist policies of apartheid are stripped away, those in South Africa who have dedicated their lives to achieving this triumph will hear the applause as they join the family of nations committed to democracy, universal suffrage and the rule of law. I congratulate the people of South Africa on this momentous achievement.

SENATE QUARTERLY MAIL COSTS

Mr. FORD. Madam President, in accordance with section 318 of Public Law 101-520, I am submitting the summary tabulations of Senate mass mail costs for the first quarter of fiscal year 1994, that is the period of October 1, 1993 through December 31, 1993, to be printed in the RECORD, along with the quarterly statement from the U.S. Postal Service setting forth the Senate's total postage costs for the quarter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING DEC. 31, 1993

Senators	Original total pieces	Pieces per capita	Original total cost	Cost per capita
Akaka	0	0	0	0
Baucus	26,418	0.03206	\$19,170.22	\$0.02326
Bennett	28,450	0.01569	\$4,331.97	\$0.00239
Biden	0	0	0	0
Bingaman	142,700	0.0926	\$22,071.07	\$0.01396
Bond	32,700	0.00630	\$6,433.35	\$0.00124
Boren	0	0	0	0
Boxer	0	0	0	0
Bradley	0	0	0	0
Breaux	0	0	0	0
Brown	0	0	0	0
Bryan	122,600	0.09239	\$21,522.15	\$0.01622
Bumpers	0	0	0	0
Burns	30,450	0.03695	\$4,609.16	\$0.00559
Byrd	0	0	0	0
Campbell	0	0	0	0
Chafee	56,800	0.05652	\$8,878.34	\$0.00883
Coats	0	0	0	0
Cochran	0	0	0	0
Cohen	225,900	0.18291	\$38,616.81	\$0.03127
Conrad	3,610	0.00568	\$2,802.58	\$0.00441
Coverdell	0	0	0	0
Craig	31,550	0.02957	\$5,630.11	\$0.00528
D'Amato	0	0	0	0
Danforth	0	0	0	0
Daschle	5,500	0.00774	\$812.31	\$0.00114
DeConcini	0	0	0	0
Dodd	0	0	0	0
Doie	0	0	0	0
Domenici	0	0	0	0
Dorgan	0	0	0	0
Durenberger	18,350	0.00410	\$3,376.68	\$0.00075
Exon	0	0	0	0
Faircloth	0	0	0	0
Feingold	0	0	0	0
Feinstein	4,537	0.00015	\$3,593.61	\$0.00012
Ford	0	0	0	0
Gorton	32,175	0.00626	\$10,059.78	\$0.00196
Graham	0	0	0	0
Gramm	331,050	0.01875	\$61,501.77	\$0.00348
Grassley	0	0	0	0
Gregg	0	0	0	0
Harkin	3,211	0.00114	\$1,017.89	\$0.00036
Hatch	0	0	0	0
Hatfield	78,000	0.02620	\$12,882.54	\$0.00433
Heflin	782,000	0.18907	\$124,802.23	\$0.03017
Helms	0	0	0	0
Hollings	0	0	0	0
Hutchison	0	0	0	0
Inouye	0	0	0	0
Jeffords	62,192	0.10911	\$13,511.91	\$0.02371
Johnston	80,000	0.01866	\$11,544.54	\$0.00269
Kassebaum	0	0	0	0
Kempthorne	0	0	0	0
Kennedy	0	0	0	0
Kerrey	0	0	0	0
Kerry	0	0	0	0
Kohl	0	0	0	0
Lautenberg	3,250	0.00042	\$724.83	\$0.00009
Leahy	6,990	0.01226	\$1,672.99	\$0.00294
Levin	40,521	0.00429	\$7,872.67	\$0.00083
Lieberman	46,725	0.01424	\$7,285.87	\$0.00222
Lott	0	0	0	0
Lugar	1,575	0.00028	\$335.12	\$0.00006
Mack	0	0	0	0
Mathews	0	0	0	0
McConnell	356,197	0.09486	\$70,662.02	\$0.01882
McCain	0	0	0	0
Metzenbaum	195,500	0.01775	0	0
Mikulski	0	0	0	0
Mitchell	0	0	\$29,785.37	\$0.02412
Moseley-Braun	0	0	0	0
Moylhan	29,000	0.00160	\$6,291.73	\$0.00035
Murkowski	250,000	0.42589	\$38,310.63	\$0.06527
Murray	3,980	0.00077	\$794.65	\$0.00015
Nickles	10,425	0.00325	\$2,137.16	\$0.00067
Nunn	0	0	0	0
Packwood	131,800	0.04427	\$22,729.05	\$0.00763
Pell	0	0	0	0
Pressler	7,329	0.01031	\$5,799.66	\$0.00816
Pryor	3,350	0.00140	\$729.56	\$0.00030
Reid	0	0	0	0
Riegle	16,500	0.00175	\$3,138.70	\$0.00033
Robb	0	0	0	0
Rockefeller	27,900	0.01540	\$3,844.79	\$0.00212
Roth	62,500	0.09071	\$10,746.03	\$0.01560
Sarbanes	3,175	0.00065	\$675.12	\$0.00014
Sasser	27,600	0.00549	\$4,892.10	\$0.00097
Shelby	0	0	0	0
Simon	236,563	0.02034	\$36,558.61	\$0.00314
Simpson	36,350	0.07800	\$5,098.55	\$0.01094
Smith	23,900	0.02151	\$3,947.02	\$0.00355
Specter	0	0	0	0
Stevens	0	0	0	0
Thurmond	0	0	0	0
Wallop	9,010	0.01933	\$1,917.61	\$0.00412
Warner	0	0	0	0
Wellstone	35,250	0.00787	\$35,250.00	\$0.00787
Wofford	0	0	0	0

Other offices	Total pieces	Total cost
The Vice President	0	\$0.00

Other offices	Total pieces	Total cost
The President Pro-Tempore	0	\$0.00
The Majority Leader	0	\$0.00
The Minority Leader	0	\$0.00
The Assistant Majority Leader	0	\$0.00
The Assistant Minority Leader	0	\$0.00
Secretary of Majority Conference	0	\$0.00
Secretary of Minority Conference	0	\$0.00
Agriculture Committee	0	\$0.00
Appropriations Committee	0	\$0.00
Armed Services Committee	0	\$0.00
Banking Committee	0	\$0.00
Budget Committee	0	\$0.00
Commerce Committee	0	\$0.00
Energy Committee	0	\$0.00
Environment Committee	0	\$0.00
Finance Committee	0	\$0.00
Foreign Relations Committee	0	\$0.00
Governmental Affairs Committee	0	\$0.00
Judiciary Committee	0	\$0.00
Labor Committee	5,250	\$1,138.86
Rules Committee	0	\$0.00
Small Business Committee	0	\$0.00
Veterans Affairs Committee	0	\$0.00
Ethics Committee	0	\$0.00
Indian Affairs Committee	0	\$0.00
Intelligence Committee	0	\$0.00
Aging Committee	0	\$0.00
Joint Economic Committee	0	\$0.00
Joint Committee on Printing	0	\$0.00
Jcmte Congress Inaug	0	\$0.00
Democratic Policy Committee	0	\$0.00
Democratic Conference	0	\$0.00
Republican Policy Committee	0	\$0.00
Republican Conference	0	\$0.00
Legislative Counsel	0	\$0.00
Legal Counsel	0	\$0.00
Secretary of the Senate	0	\$0.00
Sergeant at Arms	0	\$0.00
Narcotics Caucus	0	\$0.00
Scmte POW/MIA	0	\$0.00

**U.S. POSTAL SERVICE,
Washington, DC, April 21, 1994.**

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration,
U.S. Senate.

DEAR MR. CHAIRMAN: Detailed data on franked mail usage by the U.S. Senate for the first quarter, Fiscal Year 1994, is enclosed. Total postage and fees for the quarter is \$1,691,073.

A summary of Senate franked mail usage, based upon the first quarter of actual data for Fiscal Year 1994, is as follows:

Volume	6,213,154
Revenue per piece	\$.2722
Revenue	\$1,691,073.00
Provisional Payments	\$0.00
Amount due USPS	\$1,691,073.00

A bill is enclosed for these charges. If you or your staff have any questions on the above, please call Tom Galgano of my Official Mail Accounting staff on (202) 268-3255. Sincerely,

ALFRED CARREON, JR.,
Manager, Post Office Accounting,
Corporate Accounting.

FRANKED MAIL—SENATE

[Postal Quarter I, fiscal year 1994]

Subcategories	Pieces	Rate	Amount
1. Letters: First Class	2,109,240	\$0.2900	\$611,680
Total	2,109,240	2900	611,680
2. Flats: First Class	121,150	1.1064	134,040
Total	121,150	1.1064	134,040
3. Parcels:			
Priority-Up to 11 oz	18,412	4.3469	80,035
Priority-Over 11 oz	27,277	3.9547	107,872
4th Class—Regular			
Total	45,689	4.1127	187,907
4. Orange Bag Pouches:			
First Class	1,954	.3608	705
Priority-Up to 11 oz	27	2.8889	78
Priority-Over 11 oz	109	5.1009	556

FRANKED MAIL—SENATE—Continued

[Postal Quarter I, fiscal year 1994]

Subcategories	Pieces	Rate	Amount
Total	2,090	.6407	1,339
5. Agriculture Bulletins:			
First Class			
Priority-Up to 11 oz			
Priority-Over 11 oz			
3rd Class			
4th Class Special (BK)			
4th Class Regular	1	10.0000	10
Total	1	10.0000	10
6. Yearbooks: 4th Class Special (BK)	518	1.4807	767
Total	518	1.4807	767
7. Other (Odd Size Parcels):			
Priority-Up to 11 oz			
Priority-Over 11 oz	445	36.2067	16,112
4th Class Special (BK)			
4th Class Regular	1,963	11.0652	21,721
Total	2,408	15.7114	37,833
Total Outside DC (See Attachment)	256,678	.4999	128,303
Permit Imprint Mailings:			
1st Class Single Piece Rate	55,473	2500	13,866
3d Class Bulk Rate	4,010,055	.1254	502,847
Parcel Post—PI	313	6.7572	2,115
First Class Single Piece—PI			
Address Corrections (3547'S)	47	.3404	16
Address Corrections (3RD CL)			
Mailing List Corrections (10 Names or Less)			
Mailing List Corrections (More Than 10 Names)			
Mailgrams:			
IPA—International Priority Airmail			
Mailing Fees (Registry, Certified, Etc.)			
Postage Due/Short Paid Mail			70
Permit Fees			
Misc Charges (Books Shipped by the Library of Congress)			2,271
Express Mail Service			238,954
Subtotal	6,603,662	2820	1,862,018
Adjustments (GPF to PFY)	(390,508)	(.4378)	(170,945)
Grand total	6,213,154	2722	1,691,073

**CONCLUSION OF MORNING
BUSINESS**

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

**THE NOMINATION OF WILLIAM
ALAN REINSCH TO BE UNDER
SECRETARY OF COMMERCE FOR
EXPORT ADMINISTRATION**

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 3:30 p.m. having arrived and departed, the Senate will now go into executive session to consider the nomination of William Reinsch to be Under Secretary of Commerce for Export Administration.

The clerk will report the nomination. The assistant legislative clerk read the nomination of William Alan Reinsch, of Maryland, to be Under Secretary of Commerce for Export Administration.

The Senate proceeded to consider the nomination.

Mr. RIEGLE. Madam President, I support the nomination of William Reinsch to be Under Secretary of Com-

merce for Export Administration. In that position he will have key responsibilities for administering the Export Administration Act [EAA], which permits exports to be controlled for the purposes of national security, foreign policy, and domestic short supply. The Banking Committee, in legislation it sponsored in 1985, created the position of Under Secretary for Export Administration in order to separate the functions of export promotion and export controls in the Commerce Department. Mr. Reinsch worked on that 1985 legislation and is extremely well qualified to perform his duties. His nomination was reported out of the Banking Committee on March 24, 1994 on a bipartisan basis by a vote of 16-0.

Mr. Reinsch has prepared himself well by both his education and prior professional career to take on his new duties as Under Secretary of Commerce for Export Administration. He received his BA from the Johns Hopkins University in 1968 and his MA from the John Hopkins School of Advanced International Studies in 1969. He has over 20 years of service on Capitol Hill, having worked in both the House and the Senate. During the years 1977-1991 he served on the staff of the late Senator John Heinz working on trade and international economic policy issues. During most of that period Senator Heinz was either chairman or ranking member of the Banking Committee's Subcommittee on International Finance and Monetary Policy whose jurisdiction includes the Export Administration Act. Mr. Reinsch handled Senator Heinz's work on export controls which included reauthorizations of the EAA in 1979, 1985, and 1988. He is intimately familiar with the statute and the administrative regulations governing export controls.

After Senator Heinz' death, Senator ROCKEFELLER hired Mr. Reinsch to do his trade work and, according to testimony Senator ROCKEFELLER delivered at Mr. Reinsch's confirmation hearing, he did it extremely well. Mr. Reinsch has also written on a variety of trade topics and has taught graduate courses in trade policy at the University of Maryland University College Graduate School of Management and Technology.

The Banking Committee is now in the process of rewriting the Export Administration Act, which expires on June 30 of this year. We are working with the administration to refocus our export control system from the former realities of the cold war to the new realities of preventing the proliferation of chemical, biological, and nuclear weapons and the means to deliver them. We have held several hearings on the subject, and have heard from industry representatives, proliferation experts, and administration officials on how to bring our export control regime into line with post-cold war realities.

As Under Secretary of Export Administration, Mr. Reinsch has both the substantive and legislative experience needed to help rewrite the Export Administration Act this year.

Mr. Reinsch has shown his commitment to public service during his 20-year career on Capitol Hill. His knowledge and experience clearly make him very well qualified to assume the position of Under Secretary of Commerce for Export Administration, and I urge his confirmation.

Mr. ROCKEFELLER. Madam President, I rise in the strongest possible support for the nominee before us—William Alan Reinsch, who has been nominated by President Clinton for the position of Under Secretary of Commerce for Export Administration.

Many Members of this body know Bill Reinsch and his outstanding qualifications. For 14 years, from 1977 to 1991, Bill served on the staff of the late Senator John Heinz. In those years, Bill developed a stellar reputation for his knowledge of trade and competitiveness policy issues; for his skill in problem-solving and consensus building; and for his immense personal integrity and dedication.

During those years, Senator Heinz was chairman or ranking minority member of the Banking Committee's Subcommittee on International Finance and Monetary Policy. That subcommittee has jurisdiction over the Export Administration Act along with related issues. As a result, Bill Reinsch participated in at least five rewrites of this act, becoming one of the staff members in Congress with the most in-depth knowledge and understanding of this complex law, related issues, the agencies involved in administering the law. Throughout these years, he worked closely with offices on both sides of the aisle, in both bodies of Congress, and with many varied private sector interests that have a high degree of interest in these issues.

This experience is precisely what makes us so fortunate that President Clinton is seeking Bill Reinsch to serve as the administration's top official charged with export administration and controls. Here is a nominee who embodies the qualifications that I would hope we all look for in a position of this importance—from his tremendous experience with the issues, to his personal commitment to public service and sound policy.

Although I knew Bill Reinsch before 1991, the tragic death of Senator Heinz led to the very special bond between Bill and myself. Three years ago, Bill joined my staff as my advisor on trade, competitiveness, foreign relations, and defense issues. In this period, Bill continued to be a locus for congressional staff and private sector specialists concerned with these immensely important issues.

Bill Reinsch deserves to take a great deal of pride in his distinguished ten-

ure in the Senate. He has left his mark on all of the major trade bills that have made their way through the legislative process since the late 1970's, and has been one of the most creative thinkers and conceptualizers in shaping a wide range of proposals to deal with the competitiveness problem as it has emerged and then took a central place on the public agenda in the past 10 years.

Throughout his dedicated service in the Senate, Bill Reinsch also kept his hand in academia. He served as an adjunct professor at the University of Maryland's Graduate School of Management and Technology. His course on international trade and trade policy has been highly popular, and I only wish I had the chance to enroll.

Madam President, I am very disappointed that this nomination has been stalled. It seems unfair to this extremely dedicated and capable individual who has been asked to perform an extremely difficult job. It most definitely puts added stress on the administration's ability to administer major responsibilities that have been handed them by Congress through laws that we write and we passed. It is appalling that the position of Under Secretary for Export Administration has not had a confirmed official in place since February 1991. After a great deal of effort, President Clinton made the wise decision to try to fill it with this superb human being and public servant, Bill Reinsch.

This is an urgent matter. In the wake of the cold war, our country must take on the job of reconfiguring our export control system to deal with new realities. We have to refocus on non-proliferation goals and on the so-called pariah nations like Iran, Iraq, Libya, and North Korea that pose very difficult challenges for us and the world community. The current Exportation Administration Act expires on June 30, less than 2 months from now.

Again, the President has proposed someone who is prepared to assume this immense responsibility. I can not imagine what rationale there is to hold this up for another minute. Congress expects near miracles from the executive branch in areas like export controls, and yet here we are, trying to get a decision made on an immensely qualified, dedicated, and proven public servant who has waited for months for the Senate to act on his nomination.

I am privileged to be here to share what I know and feel about Bill Reinsch with my colleagues. Madam President, it is my hope that this nomination will be approved without any further delay.

• Mr. WOFFORD. Madam President, few who are called to serve the public have the combination of expertise, integrity and deep dedication to public service that Bill Reinsch possesses. Having relied upon his advice, I can attest to Bill's attributes personally. I also speak on behalf of the people of Pennsylvania, many of whom he helped directly and through his service to my predecessor, Senator Heinz.

Bill is superbly qualified to serve as Under Secretary of Commerce for Export Administration. It is an extremely important position. Through his administration of the Export Administration Act, Bill will have to strike the proper balance of promoting exports with curbing the proliferation of weapons of mass destruction. I believe he brings the knowledge and perspective to do just that. And with the Export Administration Act set to expire later this year, few are in as good a position as Bill to help tackle the reauthorization process.

I know many of my colleagues share my view that the Senate is losing a great resource in Bill Reinsch. Even though he was most recently in the service of Senator ROCKEFELLER, he was indeed a resource for all of us.

Madam President, I urge my colleagues to support the confirmation of Bill Reinsch. •

Mr. DURENBERGER. Madam President, I rise in strong support for the nomination of William Reinsch, nominee for Under Secretary of Commerce for Export Administration. As a long time Senate employee, Bill is known and respected by many of us, and it is a great mystery to me why his confirmation has been held up for so long, seemingly to protest issues which are not related to Bill's soon-to-be-assumed duties to administer our export control laws.

Those of us who serve on the Finance and/or Banking Committees are well aware of the excellent staff work provided by Bill Reinsch in the Senate for the late Senator Heinz and now for Senator ROCKEFELLER. Bill has a broad and deep knowledge of all areas of international trade policy and is greatly respected by all of us.

While there have been occasions that administration nominees have appeared to lack the appropriate background for the position in question, there is absolutely no doubt here about the qualifications of Bill Reinsch. There may well be no other Senate staffer, or any other individual, who has more knowledge or involvement in the complicated area of export control laws than Bill. The reauthorization of our export control laws is always controversial, and usually involves major reforms, as we have sought to update those laws to promote the right balance between national security and foreign policy concerns and the facilitation of exports to promote improvements in our economy and increased job opportunities. Bill has always been instrumental in crafting and pursuing the very difficult compromises needed to facilitate passage of this important legislation.

I can think of no one more appropriate for this nomination than Bill Reinsch. We have delayed the nomination for no reason. There is no need to even debate his credentials for the po-

sition. Let us approve his nomination on a voice vote today.

Mr. BRYAN. Madam President, there is no more debate on this side of the aisle.

Mr. BENNETT addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. BENNETT. Madam President, there is no more debate on this side either.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the nomination.

The nomination was confirmed.

Mr. BRYAN. Madam President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BRYAN. Madam President, I ask that the President be immediately notified of the Senate's action and that the Senate then return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will now return to legislative session.

Mr. BRYAN. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOLINGS). Without objection, it is so ordered.

CONSUMER REPORTING REFORM ACT OF 1994

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of S. 783. The clerk will report.

The legislative clerk read as follows:

A bill (S. 783) to amend the Fair Credit Reporting Act, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Consumer Reporting Reform Act of 1994".

(b) **TABLE OF CONTENTS.**—The following is a table of contents for this Act:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE FAIR CREDIT REPORTING ACT

Sec. 101. Definitions.

Sec. 102. Furnishing and using reports; use of information obtained from reports.

Sec. 103. Amendments relating to prescreening of consumer reports.

Sec. 104. Amendments relating to obsolete information and information contained in consumer reports.

Sec. 105. Amendments relating to compliance procedures.

Sec. 106. Amendments relating to consumer disclosures.

Sec. 107. Amendments relating to procedures in case of the disputed accuracy of any information in a consumer's file.

Sec. 108. Amendment relating to charges for disclosure.

Sec. 109. Amendments relating to duties of users of consumer reports.

Sec. 110. Amendments relating to civil liability.

Sec. 111. Amendments relating to responsibilities of persons who furnish information to consumer reporting agencies.

Sec. 112. State action to enforce Act.

Sec. 113. Administrative enforcement.

Sec. 114. Establishment of toll-free telephone number.

Sec. 115. Action by FTC.

Sec. 116. Relation to State laws.

Sec. 117. Fair debt collection practices.

Sec. 118. Effective dates.

TITLE II—CREDIT REPAIR ORGANIZATIONS

Sec. 201. Regulation of credit repair organizations.

TITLE I—AMENDMENTS TO THE FAIR CREDIT REPORTING ACT

SEC. 101. DEFINITIONS.

(a) **ADVERSE ACTION.**—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following new subsection:

"(k) The term 'adverse action', when used in connection with an action based in whole or in part on information contained in a consumer report, means an action that is adverse or less favorable to the interest of the consumer who is the subject of the report. Without limiting the general applicability of the foregoing, the following constitute adverse actions:

"(1) CREDIT.—

"(A) **ACTIONS INCLUDED.**—A denial or revocation of credit, an increase in the charge for credit, an adverse change in the terms of an existing credit arrangement, or a refusal to grant credit in substantially the amount or on substantially the terms requested.

"(B) **ACTIONS NOT INCLUDED.**—For the purposes of this paragraph, the term 'adverse action' does not include—

"(i) an attempt to collect a debt owed or allegedly owed;

"(ii) an action taken with respect to a credit or insurance transaction that is not initiated by the consumer if—

"(I) no change is made with respect to the interests of the consumer; or

"(II) a change is made that is not unfavorable to the interests of the consumer; and

"(iii) an action taken with respect to the review of an account under section 604(a)(3)(A), if—

"(I) no change is made with respect to the interests of the consumer; or

"(II) a change is made that is not unfavorable to the interests of the consumer.

"(2) **EMPLOYMENT.**—A denial of employment or other adverse or less favorable decision relating to employment.

"(3) **INSURANCE.**—A denial or cancellation of, an increase in any charge for, or reduction or

other adverse or unfavorable change in the terms of coverage or amount of, any insurance, existing or applied for, in connection with the underwriting of insurance.

"(4) **LICENSE OR BENEFIT.**—A denial or cancellation of, or an increase in any charge for, or any other adverse or unfavorable change in the terms of, any license or benefit described in section 604(a)(3)(D).

"(5) **CONSUMER INITIATED BUSINESS TRANSACTION.**—A denial or cancellation of, or any other adverse or unfavorable change in the terms of, any business transaction that the consumer has initiated or sought to initiate."

(b) **DEFINITION OF CONSUMER REPORT.**—Section 603(d) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)) is amended in the second sentence—

(1) by inserting before the semicolon at the end of subparagraph (A) "or any communication of that information or information (i) from a credit application by a consumer, provided that it is clearly and conspicuously disclosed to the consumer with the application that the information may be provided to such entities and the consumer does not prohibit such disclosure (in writing, using a signature line that is separate and distinct from that used for the consumer's consent to the extension of credit); or (ii) among the person making the report, an entity related by common ownership to that person, and an entity affiliated by corporate control with that person";

(2) in subparagraph (B), by striking "or" after the semicolon at the end; and

(3) in subparagraph (C), by striking the period at the end and inserting the following: "or (D) any communication of information about a consumer between persons who are affiliated by common ownership or common corporate control and in connection with a credit or insurance transaction that is not initiated by the consumer, if either person has complied with section 615(d)(2)(B) with respect to a consumer report from which the information is taken and the consumer has consented to use of the report for the transaction in accordance with section 615(d)(2)(C)."

(c) **FIRM OFFER.**—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a), as amended by subsection (a), is amended by adding at the end the following new subsection:

"(l) The term 'firm offer' means an offer of credit or insurance to a consumer that will be honored by the offeror if—

"(1) based on information in the consumer report on the consumer or other information bearing on the creditworthiness of the consumer, the consumer is determined to meet the criteria used to select consumers for the offer; and

"(2) the information provided by the consumer in the application in response to the offer—

"(A) is not determined to be incorrect or inadequate; and

"(B) meets the criteria established by the offeror in advance of the offer for such extension of credit or insurance."

(d) **CREDIT OR INSURANCE TRANSACTION THAT IS NOT INITIATED BY THE CONSUMER.**—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a), as amended by subsection (c), is amended by adding at the end the following new subsection:

"(m) The term 'credit or insurance transaction that is not initiated by the consumer' does not include the use of a consumer report by a person with whom the consumer has an account, for purposes of—

"(1) reviewing the account; or

"(2) collecting the account."

SEC. 102. FURNISHING AND USING REPORTS; USE OF INFORMATION OBTAINED FROM REPORTS.

(a) **USE OF REPORTS FOR EMPLOYMENT AND BUSINESS PURPOSES.**—Section 604 of the Fair

Credit Reporting Act (15 U.S.C. 1681b) is amended—

(1) by striking "A consumer reporting agency may furnish" and inserting the following:

"(a) IN GENERAL.—A consumer reporting agency may furnish";

(2) in subsection (a)(3)(A) (as designated by paragraph (1)), by striking "and involving the" and all that follows through the semicolon and inserting "or involving the extension of credit to, or review or collection of a credit or other account of, the consumer,";

(3) in subsection (a)(3) (as designated by paragraph (1)), by striking subparagraph (E) and inserting the following:

"(E) otherwise has a legitimate business need for the information in connection with a business transaction that—

"(i) is initiated by the consumer; or

"(ii) is a direct marketing transaction for which the furnishing of a consumer report by the agency is not prohibited under subsection (e)."; and

(4) by adding at the end the following new subsection:

"(b) CONDITIONS FOR FURNISHING AND USING CONSUMER REPORTS FOR EMPLOYMENT PURPOSES.—

"(1) CERTIFICATION FROM USER.—A consumer reporting agency may furnish a consumer report for employment purposes only—

"(A) if the person who obtains such report from the agency certifies to the agency that—

"(i) the disclosure required under paragraph (2) has been made and, if necessary, the disclosure required under paragraph (3), shall be made; and

"(ii) information from the consumer report will not be used in violation of any applicable Federal or State equal employment opportunity law or regulation; and

"(B) if the consumer reporting agency provides with the report a summary of the consumer's rights under this title, as prescribed in accordance with section 609(c)(3).

"(2) DISCLOSURES TO PROSPECTIVE AND CURRENT EMPLOYEES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to a prospective or current employee unless—

"(i) the prospective or current employee has received, before the report is procured, a clear and conspicuous disclosure made in writing that consumer reports may be used for employment purposes; and

"(ii) the prospective or current employee has provided a general or specific written authorization for the procurement of the report prior to such procurement.

"(B) WRITTEN MATERIAL CONSTITUTING NOTICE.—A written statement that consumer reports may be used for employment purposes which is contained in employee guidelines or manuals available to employees and prospective employees or included in written materials provided to employees or prospective employees shall constitute a written disclosure for purposes of subparagraph (A).

"(3) CONDITIONS ON USE FOR ADVERSE ACTIONS.—Before taking an adverse action based on a consumer report used for employment purposes, a person shall provide to the consumer to whom the report relates—

"(A) a copy of the report;

"(B) a description of the consumer's rights under this title, as prescribed in accordance with section 609(c)(3); and

"(C) a reasonable opportunity (not more than 5 business days following the receipt of the report by the consumer) to respond to any information in the report that is disputed by the

consumer, except that if the person has a reasonable belief that the consumer has engaged in fraudulent or criminal activity, no such opportunity to respond shall be required."

(b) USE OF INFORMATION OBTAINED FROM REPORTS.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by subsection (a), is amended by adding at the end the following new subsection:

"(c) CERTAIN USE OR OBTAINING OF INFORMATION PROHIBITED.—A person shall not use or obtain information from a consumer report for any purpose unless—

"(1) it is obtained for a purpose for which the consumer report is authorized to be furnished under subsection (a); and

"(2) the purpose is certified in accordance with section 607 by a prospective user of the report."

(c) DISCLOSURE OF CONSUMER REPORTS BY USERS.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is amended by adding at the end the following new subsection:

"(c) DISCLOSURE OF CONSUMER REPORTS BY USERS ALLOWED.—A consumer reporting agency may not prohibit a user of a consumer report furnished by the agency on a consumer from disclosing the contents of the report to the consumer if adverse action against the consumer has been taken or is contemplated by the user of the consumer report, based in whole or in part on the report."

(d) USE OF REPORTS TO ESTABLISH AND ENFORCE CHILD SUPPORT ORDERS.—Section 604(a) of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by subsections (a) and (b), is amended by adding at the end the following new paragraph:

"(4) In response to a request from the head of the agency, department, or office (or an official authorized by the head of that agency, department, or office) that is responsible under law for obtaining child support orders, in order to establish an individual's obligation to make child support payments or to determine the appropriate level of such payments. Any consumer report obtained pursuant to this paragraph shall be kept confidential (other than for its use in connection with a public hearing related to child support) and shall not be used in connection with any other civil, administrative, or criminal proceeding."

SEC. 103. AMENDMENTS RELATING TO PRESCREENING OF CONSUMER REPORTS.

(a) IN GENERAL.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by section 102, is amended—

(1) in subsection (a), by striking "A consumer reporting agency" and inserting "Subject to subsection (d), a consumer reporting agency"; and

(2) by adding at the end the following new subsection:

"(d) LIMITATIONS ON REPORTS RELATING TO CREDIT OR INSURANCE TRANSACTIONS NOT INITIATED BY THE CONSUMER.—

"(1) IN GENERAL.—A consumer reporting agency may furnish a consumer report relating to a consumer pursuant to subsection (a)(3)(A) to any person referred to in such subsection in connection with any credit or insurance transaction that is not initiated by the consumer only if—

"(A) the consumer authorizes the agency to provide such report to such person; or

"(B)(i) the transaction consists of a firm offer of credit or insurance;

"(ii) the consumer reporting agency has complied with subsection (f); and

"(iii) the consumer has not elected in accordance with subsection (f)(1) to have the consumer's name and address excluded from lists provided by the agency.

"(2) LIMITS ON INFORMATION RECEIVED UNDER PARAGRAPH (1)(B).—A person may receive pursuant to paragraph (1)(B) only—

"(A) the name and address of a consumer; and

"(B) information pertaining to a consumer that is not identified or identifiable with the consumer.

"(3) INFORMATION REGARDING INQUIRIES.—Except as provided in section 609(a)(4), a consumer reporting agency shall not furnish to any person a record of inquiries resulting from credit or insurance transactions that are not initiated by a consumer."

(b) FURNISHING CONSUMER REPORTS FOR DIRECT MARKETING TRANSACTIONS.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by subsection (a), is amended by adding at the end the following new subsections:

"(e) FURNISHING CONSUMER REPORTS FOR DIRECT MARKETING TRANSACTIONS NOT INITIATED BY CONSUMER.—

"(1) FURNISHING REPORTS PROHIBITED.—Except as provided in subsection (d), a consumer reporting agency may not furnish a consumer report for use for a direct marketing transaction that is not initiated by the consumer to whom the report relates, if—

"(A) the consumer notifies the agency that the consumer does not consent to that use;

"(B) the report includes any information other than the name and address of the consumer; or

"(C) furnishing the information would disclose the credit payment history, credit limit, credit balance, or any negative information pertaining to the consumer.

"(2) NOTIFICATION.—A consumer may notify a consumer reporting agency for purposes of paragraph (1)(A) either—

"(A) in writing; or

"(B) in the case of an agency that compiles and maintains files on consumers on a nationwide basis, by calling the toll-free telephone number established pursuant to subsection (f)(3).

"(f) ELECTION OF CONSUMER TO BE EXCLUDED FROM LISTS.—

"(1) IN GENERAL.—A consumer may elect to have such consumer's name and address excluded from any list provided by a consumer reporting agency pursuant to subsection (d)(1)(B) or (e)(2), by—

"(A) notifying the agency, in writing or through the notification system maintained by the agency under paragraph (3), that the consumer does not consent to any use of consumer reports relating to the consumer in connection with any credit or insurance transaction that is not initiated by the consumer or in connection with a direct marketing transaction that is not initiated by the consumer; or

"(B) returning to the agency a signed written notice of the election, as provided by the agency in accordance with paragraph (2).

"(2) PROVISION OF WRITTEN NOTICE TO CONSUMER.—A consumer reporting agency shall

mail to a consumer a written notice for purposes of paragraph (1)(B), not later than 5 business days after being notified of the election of the consumer in accordance with paragraph (1)(A).

"(3) NOTIFICATION SYSTEM.—Each consumer reporting agency that furnishes a consumer report pursuant to subsection (d)(1)(B) in connection with any credit or insurance transaction that is not initiated by a consumer or pursuant to subsection (e) in connection with any direct marketing transaction that is not initiated by the consumer, shall establish and maintain a notification system, including a toll-free telephone number, which permits a consumer whose consumer report is maintained by the agency to notify the agency, with appropriate identifica-

tion, of the consumer's election to have the consumer's name and address excluded from any list of names and addresses provided by the agency or its affiliates pursuant to subsection (d)(1)(B) or (e)(2). Establishment and maintenance of a nationwide notification system and publication by a consumer reporting agency on a nationwide basis in accordance with this paragraph shall be considered to fulfill the requirements of this paragraph with respect to each affiliate of the agency.

"(4) AGENCIES OPERATING NATIONWIDE.—Each consumer reporting agency that compiles and maintains files on consumers on a nationwide basis shall establish and maintain a notification system under paragraph (3) jointly with other such consumer reporting agencies.

"(5) EFFECTIVENESS OF ELECTION.—An election of a consumer under paragraph (1)—

"(A) shall be effective with respect to a consumer reporting agency beginning on the date on which the consumer notifies the agency in accordance with paragraph (1)(A);

"(B) shall be effective—

"(i) for a period of 2 years after that effective date; or

"(ii) permanently, as may be specified by the consumer in his or her notification of election under paragraph (1)(B), except that the consumer may notify the agency at any time of a change of election in accordance with paragraph (1);

"(C) shall be effective with respect to each affiliate of the consumer reporting agency; and

"(D) shall be effective with respect to any list provided by a consumer reporting agency pursuant to subsection (d)(1)(B) or (e)(2), unless otherwise specified by the consumer."

(c) FIRST NOTIFICATIONS BY CONSUMERS.—Not later than 1 year after the date of enactment of this Act, each consumer reporting agency that furnishes a consumer report pursuant to subsection (d) or (e) of section 604 shall establish and thereafter maintain a notification system in accordance with section 604(f).

SEC. 104. AMENDMENTS RELATING TO OBSOLETE INFORMATION AND INFORMATION CONTAINED IN CONSUMER REPORTS.

(a) REPEAL OF EXEMPTION PROVISIONS.—Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)) is amended in subsection (a), by striking "(a) Except as authorized under subsection (b) of this section, no" and inserting "(a) OBSOLETE INFORMATION.—Except as otherwise specifically authorized, no".

(b) ADDITIONAL INFORMATION ON BANKRUPTCY FILINGS REQUIRED.—Section 605(b) of the Fair Credit Reporting Act (15 U.S.C. 1681c(b)) is amended to read as follows:

"(b) INFORMATION REQUIRED TO BE DISCLOSED.—A consumer reporting agency that furnishes a consumer report that contains information regarding any case involving the consumer which arises under title 11, United States Code, shall include in the report an identification of the chapter of such title 11 under which such case arises if provided by the source of the information. If any case arising or filed under such title 11 is withdrawn by the consumer prior to a final judgment, the consumer reporting agency shall include in the report that such case or filing was withdrawn upon receipt of documentation certifying such withdrawal."

(c) CLARIFICATION OF REPORTING PERIOD.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by adding at the end the following new subsection:

"(c) RUNNING OF REPORTING PERIOD.—The 7-year period referred to in paragraphs (4) and (6) of subsection (a) shall begin, with respect to a delinquent account that is placed for collection (internally or by referral to a third party, whichever is earlier), charged to profit and loss, or subjected to any similar action, upon the ex-

piration of the 180-day period beginning on the date of the commencement of the delinquency that immediately preceded the collection activity, charge to profit and loss, or similar action. The requirements of this subsection shall apply only to information added to a consumer report beginning 1 year after the date of enactment of the Consumer Reporting Reform Act of 1994."

(d) DISCLOSURE OF PERSONAL INFORMATION.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c), as amended by subsection (c), is amended by adding at the end the following new subsection:

"(d) DISCLOSURE OF PERSONAL INFORMATION.—A person who prepares a consumer report that includes personal credit information on a consumer shall not include in the report any adverse item of information on the consumer with respect to matters which antedate the report by more than 10 years or which could not be included in any consumer report on the consumer in accordance with this section."

(e) INDICATION OF CLOSURE OF ACCOUNT.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c), as amended by subsection (d), is amended by adding at the end the following new subsection:

"(e) INDICATION OF CLOSURE OF ACCOUNT BY CONSUMER.—If a consumer reporting agency is notified pursuant to section 622(a)(4) that a consumer's credit account was voluntarily closed by the consumer, the agency shall indicate that fact in any consumer report that includes information related to that account."

(f) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended to read as follows:

"SEC. 605. REQUIREMENTS RELATING TO INFORMATION CONTAINED IN CONSUMER REPORTS."

(2) TABLE OF SECTIONS.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by striking the item relating to section 605 and inserting the following:

"605. Requirements relating to information contained in consumer reports."

SEC. 105. AMENDMENTS RELATING TO COMPLIANCE PROCEDURES.

(a) NOTICE TO USERS AND PROVIDERS OF INFORMATION TO ENSURE COMPLIANCE.—

(1) IN GENERAL.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e), as amended by section 102(c), is amended by adding at the end the following new subsection:

"(d) NOTICE TO USERS AND FURNISHERS OF INFORMATION.—A consumer reporting agency shall provide notice to a person of such person's responsibilities under this title if such person—

"(1) regularly and in the ordinary course of business furnishes information to the agency with respect to a consumer; or

"(2) is provided by the agency with a consumer report."

(2) CONTENT OF NOTICE.—Not later than 1 year after the date of enactment of this Act, the Federal Trade Commission shall prescribe the content of notices required under section 607(d) of the Fair Credit Reporting Act, as added by this subsection.

(b) RECORD OF IDENTITY OF USERS AND PURPOSES CERTIFIED BY USERS OF REPORTS.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e), as amended by subsection (a), is amended by adding at the end the following new subsection:

"(e) PROCUREMENT OF CONSUMER REPORT FOR RESALE.—

"(1) DISCLOSURE.—A person may not procure a consumer report for purposes of reselling the report (or the information contained in the report) unless the person discloses to the consumer reporting agency that originally furnished the report—

"(A) the identity of the ultimate user of the report (or the information), and

"(B) each permissible purpose under section 604 for which the report will be furnished to the ultimate user of the report (or the information).

"(2) RESPONSIBILITIES OF PROCURERS FOR RESALE.—A person who procures a consumer report for purposes of reselling the report (or the information contained in the report) shall—

"(A) establish and comply with reasonable procedures, which shall be designed to ensure that the report (or the information) is resold by such person only for a purpose for which the report may be furnished under section 604, including—

"(i) identifying each prospective user of the resold report (or the information);

"(ii) certifying each purpose for which the report (or the information) will be used; and

"(iii) certifying that the report (or the information) will be used for no other purpose; and

"(B) before reselling the report, make reasonable efforts to verify the identifications and certifications made under subparagraph (A)."

SEC. 106. AMENDMENTS RELATING TO CONSUMER DISCLOSURES.

(a) ALL INFORMATION IN CONSUMER'S FILE REQUIRED TO BE DISCLOSED.—Section 609(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(1)) is amended to read as follows:

"(1) All information in the consumer's file at the time of the request."

(b) MORE INFORMATION CONCERNING RECIPIENTS OF REPORTS REQUIRED.—Section 609(a)(3) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(3)) is amended to read as follows:

"(3)(A) Identification of each person who procured a consumer report—

"(i) for employment purposes during the 2-year period preceding the request; and

"(ii) for any other purpose during the 1-year period preceding the request.

"(B) An identification of a person under subparagraph (A) shall include—

"(i) the name of the person or, if applicable, the trade name (written in full) under which such person conducts business; and

"(ii) upon request of the consumer, the address and telephone number of the person."

(c) INFORMATION REGARDING INQUIRIES.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended by adding at the end the following new paragraph:

"(4) A record of all inquiries received by the agency during the 1-year period preceding the request that identified the consumer in connection with a credit or insurance transaction that was not initiated by the consumer."

(d) SUMMARY OF RIGHTS REQUIRED TO BE INCLUDED WITH DISCLOSURE.—

(1) IN GENERAL.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by adding at the end the following new subsection:

"(c) SUMMARY OF RIGHTS REQUIRED TO BE INCLUDED WITH DISCLOSURE.—

"(1) SUMMARY OF RIGHTS.—A consumer reporting agency shall provide to a consumer, on or with each written disclosure by the agency to the consumer under this section—

"(A) a written summary of all rights afforded to the consumer under this title; and

"(B) in the case of a consumer reporting agency that compiles and maintains consumer reports on a nationwide basis, a toll-free telephone number that the consumer can use to communicate with the agency.

"(2) SPECIFIC ITEMS REQUIRED TO BE INCLUDED.—The summary of rights required under paragraph (1) shall include—

"(A) a brief description of this title and all rights of consumers under this title;

"(B) an explanation of how the consumer may exercise the rights of the consumer under this title;

"(C) a list of all Federal agencies responsible for enforcing any provision of this title and the address and any appropriate telephone number of each such agency, in a form that will assist the consumer in selecting the appropriate agency; and

"(D) a statement that a consumer reporting agency is not required to remove accurate derogatory information from a consumer's file unless the information is outdated, as determined in accordance with section 605, or unless the information cannot be verified.

"(3) FORM OF SUMMARY OF RIGHTS.—The Federal Trade Commission (after consultation with each Federal agency referred to in section 621(b)) shall prescribe the form and content of any disclosure with respect to consumers' rights required to be made by a consumer reporting agency under this title.

"(4) STATE DISCLOSURES.—Notwithstanding paragraphs (1) through (3), a State shall retain the authority to require additional disclosures pertaining to State law in connection with a consumer report. Nothing in this subsection shall be construed to limit the authority of a State to mandate the time by which a disclosure shall be made to a consumer."

(2) TECHNICAL AMENDMENT.—Section 606(a)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681d(a)(1)(B)) is amended by inserting before the semicolon the following: "and the written summary of the rights of the consumer prepared pursuant to section 609(c)".

(e) FORM OF DISCLOSURES.—

(1) IN GENERAL.—Subsections (a) and (b) of section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) are amended to read as follows:

"(a) WRITTEN DISCLOSURE.—The disclosures required to be made under section 609 shall be provided to a consumer in writing.

"(b) OTHER FORMS OF DISCLOSURE.—

"(1) IN GENERAL.—In addition to the written disclosures required by subsection (a), a consumer reporting agency may make the disclosures required under section 609 other than in written form if—

"(A) the consumer authorizes the disclosure;

"(B) the consumer furnishes proper identification to the consumer reporting agency;

"(C) the consumer specifies the form of disclosure; and

"(D) such form of disclosure is available from the agency.

"(2) FORM.—A consumer may specify, pursuant to paragraph (1), that disclosures under section 609 be made—

"(A) in person, upon the appearance of the consumer at the place of business of the consumer reporting agency where disclosures are regularly provided, during normal business hours, and on reasonable notice;

"(B) by telephone, if the consumer has made a written request for disclosure by telephone that includes the proper identification of the consumer, as required by paragraph (1)(B);

"(C) by electronic means, if available from the agency; or

"(D) by any other reasonable means available from the agency."

(2) SIMPLIFIED DISCLOSURE.—Not later than 90 days after the date of enactment of this Act, each consumer reporting agency shall develop a form on which such consumer reporting agency shall make the disclosures required under section 609(a) of the Fair Credit Reporting Act, for the purpose of maximizing the comprehensibility and standardization of such disclosures.

(3) GOALS.—The Federal Trade Commission shall take appropriate action to assure that the goals of comprehensibility and standardization are achieved in accordance with paragraph (2).

(4) CONFORMING AMENDMENTS.—

(A) SECTION HEADING.—The section heading for section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) is amended to read as follows:

"SEC. 610. CONDITIONS AND FORM OF DISCLOSURE TO CONSUMERS."

(B) TABLE OF SECTIONS.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by striking the item relating to section 610 by inserting the following:

"610. Conditions and form of disclosure to consumers."

SEC. 107. AMENDMENTS RELATING TO PROCEDURES IN CASE OF THE DISPUTED ACCURACY OF ANY INFORMATION IN A CONSUMER'S FILE.

(a) IN GENERAL.—Section 611(a) of the Fair Credit Reporting Act (15 U.S.C. 1681i(a)) is amended to read as follows:

"(a) REINVESTIGATION OF DISPUTED INFORMATION.—

"(1) IN GENERAL.—If the completeness or accuracy of an item of information contained in a consumer's file at a consumer reporting agency is disputed by the consumer and the consumer notifies the agency directly of such dispute, the agency shall reinvestigate free of charge and record the current status of the disputed information before the later of—

"(A) the expiration of the 30-day period beginning on the date the agency receives the notice of the dispute from the consumer; or

"(B) the expiration of the 15-day period beginning on the last date on which the agency receives relevant information submitted by the consumer in accordance with paragraph (4).

"(2) PROMPT NOTICE OF DISPUTE TO FURNISHER OF INFORMATION.—Not later than 5 business days after the date on which a consumer reporting agency receives notice of a dispute from a consumer in accordance with paragraph (1), the agency shall notify any person who provided any item of information in dispute at the address and in the manner established with the person.

"(3) DETERMINATION THAT DISPUTE IS FRIVOLOUS OR IRRELEVANT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), a consumer reporting agency may terminate a reinvestigation of information disputed by a consumer under that paragraph if the agency reasonably determines that the dispute raised by the consumer is frivolous or irrelevant, including by reason of a failure to provide sufficient information to investigate the dispute.

"(B) NOTICE OF DETERMINATION.—Not later than 5 business days after making a determination in accordance with subparagraph (A) that a dispute is frivolous or irrelevant, a consumer reporting agency shall mail to the consumer a written notification of such determination (including the reasons for the determination), and, if authorized by the consumer for that purpose, notification by any other means available to the agency.

"(4) CONSIDERATION OF CONSUMER INFORMATION.—In conducting any reinvestigation under paragraph (1) with respect to disputed information in the file of a consumer, the consumer reporting agency shall review and consider all relevant information submitted by the consumer during the 30-day period beginning on the date the agency receives the notice of the dispute from the consumer.

"(5) DELETION OF INACCURATE OR UNVERIFIABLE INFORMATION.—

"(A) IN GENERAL.—If, in the course of a reinvestigation under paragraph (1) of any information disputed by a consumer, an item of the information is found to be inaccurate or cannot be verified, the consumer reporting agency shall delete that item of information from the consumer's file.

"(B) REQUIREMENTS RELATING TO REINSERTION OF PREVIOUSLY DELETED MATERIAL.—

"(i) CERTIFICATION OF ACCURACY OF INFORMATION.—If any information is deleted from a con-

sumer's file pursuant to subparagraph (A), the information may not be reinserted in the file after the deletion unless the person who furnishes the information certifies that the information is complete and accurate.

"(ii) NOTICE TO CONSUMER.—If any information that has been deleted from a consumer's file pursuant to subparagraph (A) is reinserted in the file in accordance with clause (i), the consumer reporting agency shall, not later than 5 business days after such reinsertion, mail to the consumer written notification of the reinsertion, and, if authorized by the consumer for that purpose, shall provide such notice by any other means available to the agency.

"(iii) CONTENTS.—The notice of reinsertion required under clause (ii) shall include—

"(I) all information prescribed in clauses (iii) and (v) of paragraph (6)(B);

"(II) a description of the procedure used to make the finding that the information should be reinserted; and

"(III) the name, business address, and telephone number of any furnisher of information contacted in connection with such information.

"(C) PROCEDURES TO PREVENT REAPPEARANCE.—A consumer reporting agency shall maintain reasonable procedures designed to prevent the reappearance in a consumer's file, and in consumer reports on the consumer, of information that is required to be deleted pursuant to this paragraph (other than information that is reinserted in accordance with subparagraph (B)(i)).

"(6) NOTICE OF RESULTS OF REINVESTIGATION.—

"(A) IN GENERAL.—A consumer reporting agency shall mail to the consumer written notification of the results of a reinvestigation under this subsection not later than 5 business days after the completion of the reinvestigation, and, if authorized by the consumer for that purpose, shall provide notification by other means available to the agency.

"(B) CONTENTS.—As part of or in addition to the notice under subparagraph (A), a consumer reporting agency shall provide to a consumer in writing during the 5-business-day period referred to in subparagraph (A)—

"(i) a statement that the reinvestigation is completed;

"(ii) a consumer report that is based upon the consumer's file as that file is revised as a result of the reinvestigation;

"(iii) a description or indication of any changes made in the consumer report as a result of those revisions to the consumer's file;

"(iv) in any case in which disputed information is found to be accurate and complete (and in any other case upon request by the consumer), a description of the procedure used to make the finding and the name, business address, and telephone number of any furnisher of information contacted in connection with such information;

"(v) a notification that the consumer has the right to insert a statement in such consumer's file disputing the accuracy or completeness of the information in the file; and

"(vi) a clear and conspicuous notification of the right of the consumer to request under subsection (d) that the consumer reporting agency furnish notifications under that subsection.

"(7) DESCRIPTION OF REINVESTIGATION PROCEDURE.—Not later than 15 days after receiving a request from the consumer for a description referred to in paragraph (6)(B)(iv), the consumer reporting agency shall provide such description to the consumer.

"(8) EXCEPTION.—If the dispute is resolved by the deletion of the disputed information not later than 3 business days after the date on which the consumer reporting agency receives notice of the dispute in accordance with para-

graph (1), the consumer reporting agency shall be exempt from the requirements of paragraphs (2) and (6) if the consumer reporting agency—

"(A) provides prompt notification of the deletion to the consumer by telephone;

"(B) provides written confirmation of the deletion, upon request by the consumer; and

"(C) maintains reasonable procedures designed to prevent the reappearance in the consumer's file, and in reports on the consumer, of information deleted pursuant to paragraph (5).

"(9) CONSIDERATION OF CONSUMER DOCUMENTATION.—

"(A) IN GENERAL.—Reinvestigation under this section shall include an acceptance of the consumer's version of the disputed information and correction or deletion of the disputed information, if the consumer submits to the consumer reporting agency documentation obtained from the source of the information in dispute confirming that the disputed information in the consumer report is inaccurate or incomplete.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), the consumer reporting agency need not accept the consumer's version of the disputed information if the consumer reporting agency, acting in good faith—

"(i) has reason to doubt the authenticity of the documentation submitted by the consumer;

"(ii) reinvestigates the dispute by contacting the source of the disputed item; and

"(iii) verifies that the documentation is not authentic.

"(10) INFORMATION FROM CONSUMER.—Nothing in paragraph (1)(B) or paragraph (4) shall be construed to require a consumer to provide information in connection with a reinvestigation under this section."

(b) CONFORMING AMENDMENT.—Section 611(d) of the Fair Credit Reporting Act (15 U.S.C. 1681i(d)) is amended by striking "The consumer reporting agency shall clearly" and all that follows through the end of the subsection.

SEC. 108. AMENDMENT RELATING TO CHARGES FOR DISCLOSURE.

(a) IN GENERAL.—Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended to read as follows:

"SEC. 612. CHARGES FOR DISCLOSURES AND CERTAIN NOTICES PROHIBITED.

"(a) FREE CONSUMER REPORTS.—Each consumer reporting agency that maintains a file on a consumer shall make all disclosures pursuant to section 609 without charge to the consumer—

"(1) if the consumer makes a request under section 609 not later than 60 days after receipt by such consumer of a notification pursuant to section 615 or of a notification from a debt collection agency affiliated with that consumer reporting agency stating that the consumer's credit rating may be or has been adversely affected;

"(2) upon written request by the consumer not later than 1 year after the consumer receives a notification under subsection (b)(2); and

"(3) in the case of a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, upon the written request of the consumer, not more often than once in any 2-year period.

"(b) CHARGE FOR CERTAIN NOTICES PROHIBITED.—A consumer reporting agency shall not impose any charge on the consumer for—

"(1) providing a notice required under section 604(f)(2), 607(d), or 611(a); or

"(2) notifying a person pursuant to section 611(d) of the deletion of information that is found to be inaccurate or that can no longer be verified, if the consumer designates that person to the agency before the end of the 30-day period beginning on the date of the notification of the consumer under section 611(a)(6)."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the Fair Credit Report-

ing Act (15 U.S.C. 1681a et seq.) is amended by striking the item relating to section 612 and inserting the following:

"612. Charges for disclosures and certain notices prohibited."

SEC. 109. AMENDMENTS RELATING TO DUTIES OF USERS OF CONSUMER REPORTS.

(a) DUTIES OF USERS TAKING ADVERSE ACTIONS.—Section 615(a) of the Fair Credit Reporting Act (15 U.S.C. 1681m(a)) is amended to read as follows:

"(a) DUTIES OF USERS TAKING ADVERSE ACTIONS ON THE BASIS OF INFORMATION CONTAINED IN CONSUMER REPORTS.—If a person takes any adverse action with respect to a consumer in connection with credit, employment purposes, insurance underwriting, any license or benefit described in section 604(a)(3)(D), or any business transaction involving the consumer that is based, in whole or in part, on any information contained in a consumer report, the person shall—

"(1) provide written notice of the adverse action to the consumer;

"(2) provide to the consumer—

"(A) the name, address, and telephone number (including any available toll-free telephone number) of the consumer reporting agency that furnished the report to the person; and

"(B) a statement that the consumer reporting agency did not make the decision to take the adverse action;

"(3) provide to the consumer a written notice of the consumer's right—

"(A) to obtain, under section 612, a free copy of a consumer report on the consumer, from the consumer reporting agency referred to in paragraph (2) and from any other consumer reporting agency that compiles and maintains files on consumers on a nationwide basis; and

"(B) to dispute, under section 611, with a consumer reporting agency the accuracy or completeness of any information in a consumer report furnished by the agency; and

"(4) in the case of an adverse action involving credit, provide the consumer with the principal reasons for the adverse action, in accordance with section 701(d)(3) of the Equal Credit Opportunity Act."

(b) DUTIES OF USERS WHO MAKE CERTAIN SOLICITATIONS.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by adding at the end the following new subsection:

"(d) DUTIES OF USERS WHO MAKE WRITTEN CREDIT OR INSURANCE SOLICITATIONS ON THE BASIS OF INFORMATION CONTAINED IN CONSUMER FILES.—

"(1) IN GENERAL.—A person who uses a consumer report of a consumer in connection with any credit or insurance transaction that is not initiated by the consumer and that consists of a firm offer of credit or insurance shall provide on or with any written solicitation made to the consumer regarding the transaction a clear and conspicuous statement that—

"(A) information contained in the consumer's consumer report was used in connection with the transaction;

"(B) the consumer received the offer of credit or insurance because the consumer satisfied the criteria for creditworthiness under which the consumer was selected for the offer;

"(C) if applicable, the credit or insurance may not be extended if, after the consumer responds to the offer by submitting an application, the consumer—

"(i) fails to provide correct and adequate information in such application; or

"(ii) does not meet the criteria established in advance of the offer for such extension of credit or insurance;

"(D) no criteria for creditworthiness will be imposed on the consumer other than the criteria established in advance of the offer for such extension of credit or insurance;

"(E) the consumer has a right to prohibit information contained in the consumer's file with a consumer reporting agency to be used in connection with any credit or insurance transaction that is not initiated by the consumer; and

"(F) the consumer may exercise the right referred to in subparagraph (E) by using the joint notification system established under section 604(f)(4) or the toll-free telephone number established pursuant to section 604(f)(3).

"(2) LIMITATION ON APPLICATION.—Paragraph (1) does not apply to the use of a consumer report by a person if—

"(A) the person is affiliated by common ownership or by common corporate control with the person who procured the report;

"(B) the person who procured the report clearly and conspicuously disclosed to the consumer to whom the report relates, before the report is provided to the person who will use the report, that the report might be provided to and used by other persons who are affiliated in the manner described in subparagraph (A) to the person who procured the report; and

"(C) the provision and use of the report is consented to by the consumer in writing.

"(3) FALSE AND MISLEADING STATEMENTS.—No statement accompanying a credit or insurance transaction that is not initiated by the consumer shall contain any false or misleading information concerning any condition or criteria for the extension or offer of credit or insurance to the consumer.

"(4) MAINTAINING CRITERIA ON FILE.—A person who makes an offer of credit or insurance to a consumer under a credit or insurance transaction described in paragraph (1) shall maintain on file the criteria established in advance of the offer for such extension of credit or insurance until the expiration of the 3-year period beginning on the date on which the offer is made to the consumer."

(c) DUTIES OF USERS FOR DIRECT MARKETING TRANSACTIONS NOT INITIATED BY CONSUMERS.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m), as amended by subsection (b), is amended by adding at the end the following new subsection:

"(e) DUTIES OF USERS FOR DIRECT MARKETING TRANSACTIONS NOT INITIATED BY CONSUMERS.—

A person who, in connection with a direct marketing transaction that is not initiated by a consumer, uses information concerning the consumer that is provided by a consumer reporting agency to that person under section 604(e) shall provide to the consumer with each communication regarding the transaction made to the consumer a clear and conspicuous written statement—

"(1) that information concerning the consumer that was provided by a consumer reporting agency was used in connection with the transaction;

"(2) that the consumer has the right under section 604(e) to prohibit any information concerning the consumer from being provided by the consumer reporting agency for use in connection with any direct marketing transaction that is not initiated by the consumer;

"(3) that the consumer may exercise the right referred to in paragraph (2) by notifying the consumer reporting agency in writing or, in the case of a consumer reporting agency required to establish a toll-free telephone number pursuant to section 604(f)(4), by calling that number; and

"(4) disclosing the name, address, and, in the case of a consumer reporting agency required to establish a toll-free telephone number pursuant to section 604(f)(4), the toll-free telephone number at which the agency may be notified."

SEC. 110. AMENDMENTS RELATING TO CIVIL LIABILITY.

(a) WILLFUL FAILURE TO COMPLY.—Section 616 of the Fair Credit Reporting Act (15 U.S.C. 1681n) is amended to read as follows:

"SEC. 616. CIVIL LIABILITY FOR WILLFUL NON-COMPLIANCE.

"(a) IN GENERAL.—A person who willfully fails to comply with any requirement imposed under this title with respect to a consumer is liable to that consumer in an amount prescribed under subsection (c).

"(b) EXCEPTION.—A person has no liability to a consumer under this section for a violation of section 622(a)(1).

"(c) DAMAGES.—Liability for a willful failure to comply described in subsection (a) shall be in an amount equal to the sum of—

"(1) any actual damages sustained by the consumer as a result of the failure;

"(2) an amount not less than \$300 nor greater than \$1,000;

"(3) such punitive damages as the court may allow; and

"(4) in the case of a successful action to enforce any liability under this section—

"(A) the costs of the action; and

"(B) reasonable attorney's fees, as determined by the court.

"(d) ATTORNEY'S FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for purposes of harassment, the court shall award to the prevailing party attorney's fees reasonable in relation to the work expended in responding to such pleading, motion, or other paper."

(b) NEGLIGENT FAILURE TO COMPLY.—Section 617 of the Fair Credit Reporting Act (15 U.S.C. 1681o) is amended to read as follows:

"SEC. 617. CIVIL LIABILITY FOR NEGLIGENT NON-COMPLIANCE.

"(a) IN GENERAL.—A person who is negligent in failing to comply with any requirement of this title with respect to a consumer shall be liable to that consumer in an amount prescribed in subsection (c).

"(b) EXCEPTION.—A person has no liability to a consumer under this section for a violation of section 622(a)(1).

"(c) DAMAGES.—Liability for a negligent failure to comply described in subsection (a) shall be in an amount equal to the sum of—

"(1) any actual damage sustained by a consumer as a result of the failure; and

"(2) in the case of any successful action to enforce liability under this section—

"(A) the costs of the action; and

"(B) reasonable attorney's fees, as determined by the court.

"(d) ATTORNEY'S FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for purposes of harassment, the court shall award to the prevailing party attorney's fees reasonable in relation to the work expended in responding to such pleading, motion, or other paper."

SEC. 111. AMENDMENTS RELATING TO RESPONSIBILITIES OF PERSONS WHO FURNISH INFORMATION TO CONSUMER REPORTING AGENCIES.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(1) by redesignating sections 622 and 623 as sections 623 and 624; and

(2) by inserting after section 621 the following new section:

"SEC. 622. RESPONSIBILITIES OF FURNISHERS OF INFORMATION TO CONSUMER REPORTING AGENCIES.

"(a) DUTY OF FURNISHERS OF INFORMATION TO PROVIDE COMPLETE AND ACCURATE INFORMATION.—

"(1) IN GENERAL.—A person shall not furnish any information to a consumer reporting agency if the person knows or should know the information is incomplete or inaccurate.

"(2) DUTY TO CORRECT AND UPDATE INFORMATION.—A person who furnishes information to a consumer reporting agency that the person determines is not complete or accurate shall—

"(A) promptly notify the consumer reporting agency of that determination; and

"(B) provide to the agency any corrections to that information, or any additional information, that is necessary to make the information provided by the person to the agency complete and accurate.

"(3) DUTY TO PROVIDE NOTICE OF CONTINUING DISPUTE.—If the completeness or accuracy of any information furnished by any person to a consumer reporting agency continues to be disputed by the consumer to such person, that person shall not furnish the information to a consumer reporting agency without notice that such information is disputed by the consumer.

"(4) DUTY TO PROVIDE NOTICE OF CLOSED ACCOUNTS.—A person who regularly furnishes information to a consumer reporting agency regarding a consumer who has a credit account with that person shall notify the agency of the closure of that account by the consumer in information regularly furnished for the period in which the account is closed.

"(5) DUTY TO PROVIDE NOTICE OF DELINQUENCY OF ACCOUNTS.—A person who furnishes information to a consumer reporting agency regarding a delinquent account being placed for collection, charged to profit or loss, or subjected to any similar action shall, not later than 90 days after the commencement of the action, notify the agency of the commencement date of the delinquency immediately preceding the action.

"(b) NOTICE TO CONSUMERS OF INFORMATION FURNISHED TO CONSUMER REPORTING AGENCIES.—

"(1) NOTICE REQUIRED.—A person who in the ordinary course of business regularly and on a routine basis furnishes information about that person's transactions or experiences with a consumer to a consumer reporting agency, shall give notice of that fact in writing to the consumer before first providing any information about the consumer to a consumer reporting agency.

"(2) CONTENTS OF NOTICE.—Written notice provided to a consumer by a person pursuant to paragraph (1) shall contain—

"(A) a brief description of the type of information that may be furnished regularly to a consumer reporting agency; and

"(B) a brief description of the frequency with which or the circumstances under which information is furnished to a consumer reporting agency.

"(3) NOTICE BY CERTAIN PERSONS.—A person who furnishes information about checks offered as payment by consumers may give notice for purposes of paragraph (1) by posting the notice in a conspicuous manner at each location where checks are accepted by the person.

"(c) DUTIES OF FURNISHERS OF INFORMATION UPON NOTICE OF DISPUTE.—Upon receiving notice pursuant to section 611(a)(2) of a dispute with regard to the completeness or accuracy of any information provided by a person to a consumer reporting agency, the person shall—

"(1) complete an investigation with respect to the disputed information and report to the consumer reporting agency the results of that investigation before the end of the 25-day period beginning on the date the agency receives notice of a dispute from the consumer in accordance with section 611(a)(1); and

"(2) review relevant information submitted to the consumer reporting agency by the consumer in accordance with section 611(a)(4).

"(d) LIMITATIONS.—

"(1) ENFORCEMENT.—Subsection (a) shall be enforced exclusively under section 621 by the agencies identified in that section.

"(2) INJUNCTIVE RELIEF.—In an action alleging a violation of subsection (a)(1), the court shall have jurisdiction to enjoin the violation only where the action is brought by the Federal Trade Commission or the attorney general of a State."

(b) CLERICAL AMENDMENT.—The table of sections for title VI of the Consumer Credit Protection Act is amended—

(1) by redesignating the items relating to sections 622 and 623 as sections 623 and 624, respectively; and

(2) inserting after the item relating to section 621 the following new item:

"622. Responsibilities of furnishers of information to consumer reporting agencies."

SEC. 112. STATE ACTION TO ENFORCE ACT.

Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by adding at the end the following new subsection:

"(d) STATE ACTION TO ENFORCE TITLE.—

"(1) IN GENERAL.—If a person violates any requirement imposed under this title, the chief law enforcement officer of the State in which such violation occurred (or an official or agency designated by that State) may bring an action—

"(A) to restrain such violation;

"(B) to recover amounts for which such person is liable under this title to each consumer on whose behalf the action is brought;

"(C) to seek such remedies as are allowed under the laws of such State; or

"(D) to collect a civil penalty of not more than \$1,000 for each such violation.

"(2) NOTICE.—The State shall serve prior written notice of any civil action under this subsection upon the Commission and provide the Commission with a copy of the complaint. If prior notice is not feasible, the State attorney general shall provide notice immediately upon initiating the action. Upon receiving notice of a civil action under this section, the Commission shall have the right—

"(A) to intervene in the action;

"(B) upon so intervening, to be heard on all matters arising therein; and

"(C) to file petitions for appeal."

SEC. 113. ADMINISTRATIVE ENFORCEMENT.

(a) IN GENERAL.—Section 621(a) of the Fair Credit Reporting Act (15 U.S.C. 1681s(a)) is amended in the second sentence—

(1) by striking "Act and shall be subject to enforcement by the Federal Trade Commission under section 5(b) thereof with respect to a consumer reporting agency or person subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective" and inserting "Act. All functions and powers of the Federal Trade Commission under the Federal Trade Commission Act shall be available to the Federal Trade Commission to enforce compliance with this title by any person subject to enforcement by the Federal Trade Commission pursuant to this subsection and not subject to enforcement pursuant to section 8 of the Federal Deposit Insurance Act, irrespective"; and

(2) by inserting before the period "including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of any Federal Trade Commission trade regulation rule".

(b) FEDERAL RESERVE BOARD INTERPRETIVE AUTHORITY.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s), as amended by section 112, is amended by adding at the end the following new subsection:

"(e) INTERPRETIVE AUTHORITY.—The Board of Governors of the Federal Reserve System may issue an interpretation of any provision of this title as it may apply to any person identified in paragraph (1), (2), or (3) of subsection (b), and the holding companies and affiliates of such person, in consultation with the Federal agen-

cies identified in paragraph (1), (2), or (3) of subsection (b)."

SEC. 114. ESTABLISHMENT OF TOLL-FREE TELEPHONE NUMBER.

Not later than 1 year after the date of enactment of this Act, each consumer reporting agency that compiles and maintains consumer reports on a nationwide basis shall establish, and thereafter maintain, a toll-free telephone number for the purpose of making agency personnel accessible to consumers pursuant to section 609(c)(1)(B) of the Fair Credit Reporting Act.

SEC. 115. ACTION BY FTC.

Not later than 270 days after the date of enactment of this Act, the Federal Trade Commission shall prescribe all matters required to be prescribed by the Federal Trade Commission under this title and the amendments made by this title.

SEC. 116. RELATION TO STATE LAWS.

Section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681t) (as redesignated by section 111 of this Act) is amended—

(1) by striking "This title" and inserting the following:

"(a) IN GENERAL.—This title";

(2) by inserting ", and except as provided in subsection (b)" before the period at the end; and

(3) by adding at the end the following new subsection:

"(b) EXCEPTIONS.—

"(1) STATE LAW.—No requirement or prohibition may be imposed under the laws of any State—

"(A) with respect to any subject matter regulated under—

"(i) section 604(d), relating to the prescreening of consumer reports;

"(ii) section 611, relating to the time by which a consumer reporting agency must take any action, including the provision of notification to a consumer or other person, in any procedure related to the disputed accuracy of information in a consumer's file, except that this clause does not affect the applicability of any State law in effect on the date of enactment of the Consumer Reporting Reform Act of 1994;

"(iii) section 615(a), relating to the duties of a person who takes any adverse action with respect to a consumer on the basis of information contained in a consumer report; or

"(iv) section 615(d), relating to the duties of persons who use a consumer report of a consumer in connection with any credit or insurance transaction that is not initiated by the consumer and that consists of a firm offer of credit or insurance;

"(B) with respect to the exchange of information among persons affiliated by common ownership or common corporate control; or

"(C) with respect to the form and content of any disclosure required to be made under—

"(i) section 609(c); or

"(ii) section 622(b)(2).

"(2) DEFINITION OF 'FIRM OFFER OF CREDIT'.—Notwithstanding the definition of the term 'firm offer of credit' (or any equivalent term) under the laws of any State, the definition of that term contained in section 603(l) shall be construed to apply in the enforcement and interpretation of the laws of any State governing consumer reports.

"(3) FTC MODIFICATION PERMITTED.—If it considers such action necessary for the protection of consumers, the Federal Trade Commission may, after consultation with each Federal agency referred to in section 621(b) and with appropriate State regulatory and law enforcement agencies, promulgate regulations in accordance with section 553 of title 5, United States Code, to impose requirements—

"(A) that are more stringent than those imposed under—

"(i) section 611, relating to the time by which a consumer reporting agency must take any ac-

tion, including the provision of notification to a consumer or other person, in any procedure related to the disputed accuracy of information in a consumer's file;

"(ii) section 615(a), relating to the duties of a person who takes any adverse action with respect to a consumer on the basis of information contained in a consumer report; or

"(iii) section 615(d), relating to the duties of persons who use a consumer report of a consumer in connection with any credit or insurance transaction that is not initiated by the consumer and that consists of a firm offer of credit or insurance; and

"(B) with respect to the form and content of any disclosure required to be made under—

"(i) section 609(c); or

"(ii) section 622(b)(2)."

SEC. 117. FAIR DEBT COLLECTION PRACTICES.

Section 807(11) of the Fair Debt Collection Practices Act (15 U.S.C. 1692e(11)) is amended to read as follows:

"(11) Except as otherwise provided for communications to acquire location information under section 804, the failure to disclose clearly in the initial written communication with a consumer in connection with the collection of a debt or to obtain information about a consumer, that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose."

SEC. 118. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall become effective 1 year after the date of enactment of this Act.

(b) EXCEPTIONS.—Notwithstanding the provisions of subsection (a), the Federal Trade Commission may prescribe regulations, as required by this title and the amendments made by this title.

TITLE II—CREDIT REPAIR ORGANIZATIONS

SEC. 201. REGULATION OF CREDIT REPAIR ORGANIZATIONS.

Title IV of the Consumer Credit Protection Act is amended to read as follows:

"TITLE IV—CREDIT REPAIR ORGANIZATIONS

"Sec.

"401. Short title.

"402. Findings and purposes.

"403. Definitions.

"404. Prohibited practices by credit repair organizations.

"405. Disclosures.

"406. Credit repair organizations contracts.

"407. Right to cancel contract.

"408. Noncompliance with this title.

"409. Civil liability.

"410. Administrative enforcement.

"SEC. 401. SHORT TITLE.

"This title may be cited as the 'Credit Repair Organizations Act'.

"SEC. 402. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds that—

"(1) consumers have a vital interest in establishing and maintaining their creditworthiness and credit standing in order to obtain and use credit. As a result, consumers who have experienced credit problems may seek assistance from credit repair organizations that offer to improve the credit standing of such consumers; and

"(2) certain advertising and business practices of some companies engaged in the business of credit repair services have worked a financial hardship upon consumers, particularly consumers who have limited economic means and who are inexperienced in credit matters.

"(b) PURPOSES.—The purposes of this title are—

"(1) to ensure that prospective buyers of the services of credit repair organizations are pro-

vided with the information necessary to make an informed decision regarding the purchase of such services; and

"(2) to protect the public from unfair or deceptive advertising and business practices by credit repair organizations.

"SEC. 403. DEFINITIONS.

"For purposes of this title, the following definitions shall apply:

"(1) CONSUMER.—The term 'consumer' means an individual.

"(2) CONSUMER CREDIT TRANSACTION.—The term 'consumer credit transaction' means any transaction in which credit is offered or extended to an individual for personal, family, or household purposes.

"(3) CREDIT REPAIR ORGANIZATION.—The term 'credit repair organization'—

"(A) means a person who uses any instrumentality of interstate commerce or the mails to sell, provide, or perform (or represent that such person can or will sell, provide, or perform) any service, in return for the payment of money or other valuable consideration, for the express or implied purpose of—

"(i) improving a consumer's credit record, credit history, or credit rating;

"(ii) removing adverse credit information that is accurate and not obsolete from the consumer's record, history, or rating;

"(iii) altering the consumer's identification to prevent the display of the consumer's credit record, history, or rating for the purpose of concealing adverse credit information that is accurate and not obsolete; or

"(iv) providing advice or assistance to a consumer with regard to any activity or service described in clause (i), (ii), or (iii); and

"(B) does not include—

"(i) a nonprofit organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986; or

"(ii) an attorney at law who is a member of the bar of the highest court of any State or otherwise licensed under the laws of any State, with respect to services rendered that are within the scope of regulations applicable to members of such bar or such licensees.

"(4) CREDIT.—The term 'credit' has the same meaning as in section 103 of the Truth in Lending Act.

"SEC. 404. PROHIBITED PRACTICES BY CREDIT REPAIR ORGANIZATIONS.

"No credit repair organization, and no officer, employee, agent, or other person participating in the conduct of the affairs of a credit repair organization, may—

"(1) charge or receive any money or other valuable consideration for the performance of any service that the credit repair organization has agreed to perform for a consumer before such service is fully performed;

"(2) make any statement, or counsel or advise a consumer to make any statement, that is untrue or misleading (or that, upon the exercise of reasonable care, should be known by the credit repair organization, officer, employee, agent, or other person to be untrue or misleading) with respect to the consumer's credit history, credit rating, or credit standing to—

"(A) any consumer reporting agency (as defined in section 603(f)); or

"(B) any person—

"(i) who has extended credit to the consumer; or

"(ii) to whom the consumer has applied or is applying for an extension of credit;

"(3) make any statement, or counsel or advise a consumer to make any statement, the intended effect of which is to alter the consumer's identification to prevent the display of the consumer's credit record, history, or rating for the purpose of concealing adverse credit information that is accurate and not obsolete to—

"(A) any consumer reporting agency; or
 "(B) any person—
 "(i) who has extended credit to the consumer; or
 "(ii) to whom the consumer has applied or is applying for an extension of credit;
 "(4) make or use any untrue or misleading representation of the services of the credit repair organization; or
 "(5) engage, directly or indirectly, in any act, practice, or course of business that constitutes or results in the commission of, or an attempt to commit, a fraud or deception on a person in connection with the offer or sale of the services of the credit repair organization.

"SEC. 405. DISCLOSURES.

"(a) DISCLOSURE REQUIRED.—Before any contract or agreement between a consumer and a credit repair organization is executed, the credit repair organization shall provide the consumer with the following written statement:

"Consumer Credit File Rights Under State and Federal Law

"You have a right to dispute inaccurate information in your consumer report by contacting the credit bureau directly. However, neither you nor any "credit repair" company or credit repair organization has the right to have accurate, current, and verifiable information removed from your consumer report. The credit bureau must remove accurate, negative information from your report only if it is over 7 years old. Bankruptcy information can be reported for 10 years.

"You have a right to obtain a copy of your consumer report from a credit bureau. You have the right to receive 1 free copy of your credit report upon written request during any 2-year period from any consumer reporting agency operating on a nationwide basis. You are also entitled to receive a free copy of your credit report if you have been turned down for credit, employment, insurance, or a rental dwelling because of information in your consumer report during the preceding 60 days. Otherwise, you may be charged a reasonable fee. The credit bureau must provide someone to help you interpret the information in your credit file.

"You have a right to sue a credit repair company that violates the Credit Repair Organization Act. This law prohibits deceptive practices by credit repair companies.

"You have the right to cancel your contract with any credit repair organization for any reason not later than 3 business days from the date you signed it.

"Credit bureaus are required to follow reasonable procedures to ensure that creditors report information accurately. However, mistakes may occur.

"You may, on your own, notify a credit bureau in writing that you dispute the accuracy of information in your credit file. The credit bureau must then reinvestigate and modify or remove inaccurate information. The credit bureau may not charge any fee for this service. Any pertinent information and copies of all documents you have concerning an error should be given to the credit bureau.

"If reinvestigation does not resolve the dispute to your satisfaction, you may send a brief statement to the credit bureau, to be kept in your file, explaining why you think the record is inaccurate. The credit bureau must include your statement about disputed information with any report it issues about you.

"The Federal Trade Commission regulates credit bureaus and credit repair organizations. For more information contact:

"Public Reference Branch
 Federal Trade Commission
 Washington, D.C. 20580."

"(b) SEPARATE STATEMENT REQUIREMENT.—The written statement required under this section shall be provided as a document that is separate from any written contract or other agreement between the credit repair organization and the consumer or any other written material provided to the consumer.

"(c) RETENTION OF COMPLIANCE RECORDS.—

"(1) IN GENERAL.—The credit repair organization shall maintain a copy of the statement signed by the consumer acknowledging receipt of the statement.

"(2) MAINTENANCE FOR 2 YEARS.—The copy of the consumer's statement shall be maintained in the organization's files for 2 years after the date on which the statement is provided to the consumer.

"SEC. 406. CREDIT REPAIR ORGANIZATIONS CONTRACTS.

"(a) WRITTEN CONTRACTS REQUIRED.—A credit repair organization may not provide services for a consumer unless a written and dated contract for the purchase of such services that meets the requirements of subsection (b) has been signed by the consumer.

"(b) TERMS AND CONDITIONS OF CONTRACT.—No contract referred to in subsection (a) meets the requirements of this subsection unless such contract includes the following information (in writing):

"(1) The terms and conditions of payment, including the total amount of all payments to be made by the consumer to the credit repair organization or to any other person.

"(2) A full and detailed description of the services to be performed by the credit repair organization for the consumer, including—

"(A) all guarantees and all promises of full or partial refunds; and
 "(B) an estimate of—

"(i) the date by which the performance of the services (to be performed by the credit repair organization or any other person) will be complete; or
 "(ii) the length of the period necessary to perform such services.

"(3) The credit repair organization's name and principal business address.

"(4) A conspicuous statement in boldface type, in immediate proximity to the space reserved for the consumer's signature on the contract, which reads as follows: 'You may cancel this contract without penalty or obligation at any time before midnight of the third business day after the date on which you signed the contract. See the attached notice of cancellation form for an explanation of this right.'

"SEC. 407. RIGHT TO CANCEL CONTRACT.

"(a) IN GENERAL.—A consumer may cancel any contract with a credit repair organization without penalty or obligation by notifying the credit repair organization of the consumer's intention to do so at any time before midnight of the third business day which begins on the date on which the contract or agreement between the consumer and the credit repair organization is executed or would, but for this subsection, become enforceable against the parties.

"(b) CANCELLATION FORM AND OTHER INFORMATION.—Each contract shall be accompanied by a form, in duplicate, which has the heading 'Notice of Cancellation' and contains in boldface type the following statement:

"You may cancel this contract, without any penalty or obligation, at any time before midnight of the third business day which begins after the date the contract is signed by you.

"If you cancel, any payment you made under this contract will be returned before the end of the 10-day period beginning on the date the seller receives your cancellation notice.

"To cancel this contract, mail or deliver a signed, dated copy of this cancellation notice, or any other written notice to [insert name of credit repair organization] at [insert address of credit repair organization] before midnight on [insert date].

"I hereby cancel this transaction.

"_____(purchaser's signature)
 "_____(date)".

"(c) CONSUMER COPY OF CONTRACT REQUIRED.—A consumer who enters into any contract with a credit repair organization shall be given, by the organization—

"(1) a copy of the completed contract and the disclosure statement required under section 405; and

"(2) a copy of any other document the credit repair organization requires the consumer to sign, at the time the contract or the other document is signed.

"SEC. 408. NONCOMPLIANCE WITH THIS TITLE.

"(a) CONSUMER WAIVERS INVALID.—Any waiver by a consumer of any protection provided by or any right of the consumer under this title—

"(1) shall be treated as void; and
 "(2) may not be enforced by a Federal or State court or any other person.

"(b) ATTEMPT TO OBTAIN WAIVER.—An attempt by any credit repair organization to obtain a waiver from a consumer of any protection provided by or any right of the consumer under this title shall be treated as a violation of this title.

"(c) CONTRACTS NOT IN COMPLIANCE.—A contract for services that does not comply with the applicable provisions of this title—

"(1) shall be treated as void; and
 "(2) may not be enforced by a Federal or State court or by any other person.

"SEC. 409. CIVIL LIABILITY.

"(a) LIABILITY ESTABLISHED.—A credit repair organization that fails to comply with any provision of this title with respect to any person shall be liable to such person in an amount equal to the sum of the amounts determined under each of the following paragraphs:

"(1) ACTUAL DAMAGES.—The greater of—
 "(A) the amount of any actual damage sustained by such person as a result of such failure; or

"(B) any amount paid by the person to the credit repair organization.

"(2) PUNITIVE DAMAGES.—

"(A) INDIVIDUAL ACTIONS.—In the case of an action by an individual, such additional amounts as the court may allow.

"(B) CLASS ACTIONS.—In the case of a class action, the sum of—

"(i) the aggregate of the amount that the court may allow for each named plaintiff; and

"(ii) the aggregate of the amount that the court may allow for each other class member, without regard to any minimum individual recovery.

"(3) ATTORNEYS' FEES.—In the case of a successful action to enforce any liability under paragraph (1) or (2), the costs of the action, together with reasonable attorneys' fees.

"(b) FACTORS TO BE CONSIDERED IN AWARDING PUNITIVE DAMAGES.—In determining the amount of any liability of any credit repair organization under subsection (a)(2), the court shall consider, among other relevant factors—

"(1) the frequency and persistence of noncompliance by the credit repair organization;

"(2) the nature of the noncompliance;

"(3) the extent to which such noncompliance was intentional; and

"(4) in the case of any class action, the number of consumers adversely affected.

"(c) JURISDICTION.—An action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, before the later of—

"(1) the end of the 2-year period beginning on the date of the occurrence of the violation involved; or

"(2) in any case in which a credit repair organization has materially and willfully misrepresented any information that—

"(A) the credit repair organization is required, by any provision of this title, to disclose to a consumer; and

"(B) is material to the establishment of the credit repair organization's liability to the consumer under this section, the end of the 2-year period beginning on the date of the discovery by the consumer of the misrepresentation.

"SEC. 410. ADMINISTRATIVE ENFORCEMENT.

"(a) **IN GENERAL.**—Compliance with the requirements imposed under this title with respect to credit repair organizations shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission.

"(b) **VIOLATIONS OF THIS TITLE TREATED AS VIOLATIONS OF FEDERAL TRADE COMMISSION ACT.**—

"(1) **IN GENERAL.**—For the purpose of the exercise by the Federal Trade Commission of the Federal Trade Commission's functions and powers under the Federal Trade Commission Act, any violation of any requirement or prohibition imposed under this title with respect to credit repair organizations shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act.

"(2) **ENFORCEMENT AUTHORITY UNDER OTHER LAW.**—All functions and powers of the Federal Trade Commission under the Federal Trade Commission Act shall be available to the Federal Trade Commission to enforce compliance with this title by any person subject to enforcement by the Federal Trade Commission pursuant to this subsection, including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of any Federal Trade Commission trade regulation rule, without regard to whether the credit repair organization—

"(A) is engaged in commerce; or

"(B) meets any other jurisdictional tests in the Federal Trade Commission Act.

"(c) **STATE ENFORCEMENT OF TITLE.**—

"(1) **IN GENERAL.**—The attorney general of any State, or an official or agency designated under the law of any State, may enforce compliance with this title in Federal or State court.

"(2) **CIVIL ENFORCEMENT ACTIONS.**—A State may bring a civil action in any Federal or State court to enjoin any violation of this title and to recover damages under this title for consumers who reside in such State."

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, today the Senate is debating one of the most significant pieces of consumer legislation to come before this session of the Congress. Over the past several years, I have expended, personally, a great deal of time working with all the interested parties on the subject matter of fair credit reporting. I take great pride in the legislative product that we offer for the Senate's consideration today.

Before elaborating on the contents of the bill, I want to take a moment to thank several of my colleagues—the distinguished junior Senator from Missouri [Mr. BOND], who serves on the Banking Committee has worked tirelessly, effectively, and constructively with me and others, bringing this legislative compromise to fruition. He has been inconvenienced this afternoon by reason of some complications of his flight schedule or he would be on the floor at this moment. But I do, in his absence, want to express to him my

personal appreciation, as well as to his very able staff. They have worked for hours and hours with us on this.

I also thank the distinguished chairman and ranking member of the Senate Committee on Banking, Housing, and Urban Affairs, for their contributions in moving this bill forward. Chairman RIEGLE and Senator D'AMATO have been extremely helpful at the hearings, at the markup, and now in bringing this bill to the floor.

When the original Fair Credit Reporting Act was passed in 1970, it provided a number of important consumer protections. In the intervening 24 years, the credit reporting industry has undergone fundamental changes, dramatic changes, from keeping consumer information on handwritten file cards to computer tapes that are updated today with billions—billions of entries each and every month. The time has now come to update this law to reflect the changes that have occurred in this industry.

Credit bureaus now maintain 450 million credit files on individual consumers. They process almost 2 billion pieces of data per month, and they sell to their customers 1.5 million credit reports every day.

Over the last 4 years, the number one complaint to the Federal Trade Commission has been lodged against credit bureaus—1-in-5 complaints to the FTC is against a credit bureau.

In my State of Nevada, the attorney general's office shares a similar concern and indicates that complaints about inaccuracies, misinformation contained in credit reports, runs extremely high. In hearings I have chaired in my own State of Nevada, I heard firsthand from a number of individuals who, through no fault of their own, totally blameless, have suffered because of mistakes that are included in their credit files.

Let me just cite a couple of instances. One case involved a young woman in Las Vegas named Mary Lou Mobley. She was at the time of our hearing a clerk, law clerk, for a Federal district court judge in Nevada, Judge Philip Pro.

She first discovered problems with her credit report when she was turned down for a law school student loan even though she was in fact an excellent credit risk with no history of credit problems. She was forced at that time to reapply for another loan at a higher interest rate, a substantially higher interest rate. And she had to secure a cosigner.

Had she not been able to obtain the signature of a cosigner, it is very, very doubtful she would have been able to get her student loan and perhaps would not have been able to continue in law school.

After graduating from law school and believing that the problem had been corrected at the time that the erro-

neous information was first called to her attention, she applied, now for a car loan—this is about 3 years later—only to be told she would have to pay 17.9 percent as the interest rate for her automobile instead of the normal 8.9 percent rate because she was "a high risk" based upon bad credit history.

She was finally able to track down the source of the misinformation and the confusion, and she was told by one of the credit bureaus that she had been married to a man with the same last name in Arizona who had a number of bad debts.

She was told that under Arizona law—Arizona being a community property State—that his bad debts were her responsibility and, therefore, by implication, his bad credit record was her bad credit record.

I think we only have to ask our colleagues, how do you handle a situation like that? How do you prove the negative, that you had not been married to someone who you never met, let alone never married? It is a burden that caused Ms. Mobley considerable frustration, aggravation and time.

Finally, after expending an enormous amount of time—and she detailed it with great particularity—she was able to get her credit record cleared.

Remember, this is a person who is totally blameless, never met this individual, she had never been married, and now she has gone through this frustration of trying to get her record clarified.

There is one other example that I might cite, Mr. President, that is different in focus but equally frustrating. One of my constituents is a fellow by the name of Bill Kinkade who lives in McDermitt, NV. That is in a very remote area in our State, virtually on the Idaho State line. Mr. Kinkade drove 5 hours to our committee hearing in Reno to share his story.

Mr. Kinkade had a mortgage that was being paid through an automatic debit system at his bank. Unbeknown to him, the mortgagee transferred the mortgage to another company. There was nothing improper about that. But Mr. Kinkade was not made aware of that situation. And in reviewing his own bank account over a couple of months period of time, he noticed that the balance was higher than it should have been. And upon more carefully examining it, he noted that, indeed, the debiting of the mortgage payment that he had authorized was not being made.

Ultimately, he made contact with the new mortgagee in the State of Maryland and made arrangements to correct the difficulty. The mortgagee was accommodating, and the situation was straightened out and the payments were transferred to the new bank.

Mr. Kinkade assumed this story had a happy ending. He certainly had tried to do the responsible thing. Unfortunately for him, this mixup started to

affect his credit history, and he did not know that.

He went in to buy a satellite dish with his wife, as I recall, in Winnemucca, not too many miles away. If you live in McDermitt, Mr. President, you need a satellite dish. You do not have the diversity of activities that other parts of our great State and the Nation have. So this satellite dish was very important to Mr. Kinkade and his wife.

He entered into the transaction, and he was rejected. He was told he was a bad credit risk, and then it came to light, this episode which I just related, Mr. President, to you and my colleagues who join us on the Senate floor and who are watching this proceeding that, again, this transaction, as it related to his mortgage, now becomes indelibly part of his credit record. He is having all kinds of difficulty.

Let me just say as an aside, that is not only a problem for the consumer who seeks credit, but there was a legitimate business person in this transaction, an individual who was involved in selling satellite dishes. So this individual is also frustrated from consummating a sale and generating the kind of profit which is essential to our free enterprise system.

For too long, these kinds of problems have been ignored and have not been corrected. The point to be made here, Mr. President, is that it is not my contention that businesses are engaged in disreputable or irresponsible efforts to damage somebody's credit. That is simply not the record. But with 2 billion data entries made every month, there are bound to be mistakes. I think every fair-minded person acknowledges that those mistakes can occur when you are dealing with that kind of volume.

So the issue that confronts us and what brings us to our legislative response is how do we keep those mistakes to a minimum, and how do we correct them once they are found? That is where this legislation comes into play.

The Consumer Reporting Reform Act of 1994, S. 783, was introduced by myself and the distinguished cosponsors, Senator BOND and Senator RIEGLE, on the 7th of April 1993. The Banking Committee held hearings examining the credit reporting system in both 1991 and 1993.

In May of last year, the committee heard testimony from David Medine for the Federal Trade Commission; J. Joseph Curran, Jr., the attorney general of the State of Maryland; Barry Connelly for the Associated Credit Bureaus; Michelle Meier, the Consumers Union; Robert Hunter, testifying on behalf of the American Bankers Association; Ed Mierzewski for the U.S. Public Interest Research Group; and Donald Prill, testifying on behalf of the National Retail Federation.

In October of last year, the Senate Committee on Banking, Housing and

Urban Affairs marked up and reported out of committee this piece of legislation by a vote of 15 to 4. This legislation seeks to improve the accuracy of those 450 million credit reports kept in this country by making several fundamental changes in the credit reporting system.

First, the burden of proof is shifted so that credit bureaus, not consumers, must prove the accuracy of information in their files. Harking back to the proof of the negative: "I did not know the gentleman with whom I was supposed to have been married; I never met him. How do I prove that we were never married and never lived in Arizona?" The situation Ms. Mobley faced or the situation that so many others who testified before our committee faced.

Second, the businesses that furnish information to the credit bureaus—those are banks, retailers and other creditors—are held, for the first time, responsible for data which they provide, under some very limited and special circumstances. This legislation, for the first time, would make those who provide this information to the credit bureaus a part of the system and, under very carefully crafted language, would be held responsible for information that was inaccurate under certain circumstances, as I will explain in a bit more detail in a moment.

The bill attempts to safeguard the privacy of information contained in a consumer's credit file by requiring users of consumer reports to identify a permissible purpose under the law before acquiring a report.

Mr. President, if you have never had occasion to examine your own credit report, may I say, with all due respect, and the great respect that I have for the distinguished Presiding Officer who serves as chairman of the committee I serve under, I think you would find it a rather fascinating document.

I had occasion to review my own in the context of a refinancing of my home. It had a good bit of misinformation, innocently—let me emphasize that—innocently incorporated into that report, but I was absolutely stunned to see entries in there that had no reference to me or my wife or our business or financial dealings. I want to emphasize that that information was corrected when I called it to their attention. I am not unmindful of the fact that perhaps as a U.S. Senator, perhaps they were a little more attentive to the concerns that I articulated. Some of the information there dated back to my days as Governor, where I was sued by virtually everyone who ever served a period of time in the Nevada penitentiary system, a defendant position that I take with some honor since I, frankly, thought most of those lawsuits were totally devoid of merit and the State's position was absolutely correct.

But the point I am trying to make is that lots and lots of information is contained in that. There is a lot of information that is oftentimes inaccurate.

I think we are a little bit troubled, too, as citizens with our right of privacy, with who has access to these reports, how broadly is that. This piece of legislation corrects some of the vagaries of the existing law in terms of who has access to our reports.

Pretty clearly, it is essential for our credit system that generates, I think, about \$700 billion—in that neighborhood—of credit, that a credit granting community have access so that you and I, when we buy a car or seek a loan or something which we desire, that we want to have, that good and timely information is present. That information needs to be available to those who are reviewing our credit history so we can buy those items.

Nevertheless, there should be some limits in terms of the access to that information because of its extraordinarily private nature. These two fundamental changes are the essence of the legislation that we have talked about.

Additionally, the bill provides consumers with an affirmative right to opt out—for example, those who seek prescreened lists of individuals with certain income level or part of a direct marketing campaign, all of which we acknowledge to be part of our business system in America—there is a provision in this legislation which allows a consumer to opt out, that is, that consumer does not want to be a part of that system. And that is provided with the use of a toll-free number; a consumer could call to get his or her name removed from the call list. And with the ever-increasing amount of mail solicitations, this is a welcome change.

The bill also seeks to improve the accuracy in consumer reporting. For the first time the bill will apply the Federal Credit Reporting Act to businesses which provide the information contained in credit reports. Under the current law, those businesses providing the information, essentially the data that is relied upon by the credit bureaus, are not covered by the 1970 legislation. This leaves the consumer in a very helpless situation when a creditor mistakenly places adverse information in his or her credit file. Our bill requires businesses that furnish information to do so accurately and, moreover, to investigate disputes promptly.

To keep mistakes to a minimum, the bill gives the firms that furnish information to credit bureaus—the retailers, credit card companies, and mortgage companies—the incentive to supply as accurate information as possible. The legislation does that by authorizing the Federal Trade Commission or State attorneys general to take

action against businesses that have a practice or pattern—those are operative words, and they are words of art, Mr. President. We are not talking about innocent mistakes. We recognize that when you are talking about billions of pieces of information, mistakes are going to be made. We are talking about a practice that is part of a pattern, and so that is not just an isolated mistake.

Second, that where those mistakes do occur—and they will occur—to fix the mistakes after they are discovered. In this sense we set up a process that is decidedly more consumer friendly than the situation that our friends who testified out there in Nevada, Miss Mobley and Mr. Kinkade, faced as they were trying to correct their problems.

I think most of us are sympathetic to the fact that credit bureaus and those who supply this vast information are going to make some honest mistakes. With a common last name such as my own, I can relate, as I have previously, some inaccuracies that occurred in my own credit history report.

I think what really gets people fired up, Mr. President, is the inconvenience, the time, and the utter frustration—and I wish every one of my colleagues could have heard the two highly responsible citizens in my State share their stories, what they went through trying to get this information corrected after the mistake was discovered. In one instance, it took 3 years for it to be corrected. In another one, the mistake that was originally detected 4 years previous was still a problem when Mr. Kinkade was trying to buy his satellite dish. This is just an intolerable situation.

In our hearings in Nevada, we heard from many people who were put through the wringer trying to get inaccurate information removed from the files. People do get angry. They get mad when they are forced to spend countless hours calling and writing to get these mistakes removed. As lawyers, some of us know how difficult it is to prove a negative.

If our legislation accomplishes nothing else, I intend that it will turn around the burden of proof so that credit bureaus and furnishers of information will be responsible for verifying the accuracy of information when an individual points out the mistake in that credit report. This is an extraordinarily important feature of this legislation, and its significance, Mr. President, cannot be underestimated.

Another recurring problem is that mistakes keep reappearing on a person's report even after the individual has brought the inaccuracy to the credit bureau's attention. Our bill would require the agency to notify the individual before that data can be reinserted into the credit history. Individuals would also be able to request a free copy of their report for 1 year

afterwards to verify that, indeed, the mistake has not crept back into the credit history.

While we are trying to put the onus on the furnishers to improve the data they provide and promptly correct mistakes, this legislation has been carefully balanced so that it will not inhibit the flow of information to credit bureaus. And I might just say, Mr. President, nobody would benefit with a system in which this information was not available to credit bureaus: Consumers would be denied the credit to which they would be entitled, and businesses would be unable to consummate sales, which is part of the business activity that is important to every community in America.

That is why a delicate balance has been crafted to provide incentives to businesses to supply accurate information while not discouraging them from furnishing it. Furnishers of information will not be liable—let me emphasize that for those of my colleagues who are listening in—will not be liable for routine mistakes that naturally occur with the processing of these millions of data entries literally every day.

So this bill does not establish nor contemplate a standard of perfection, just a good-faith effort to supply accurate information and, when notified, to properly correct those mistakes.

Accurate credit reports, as I have indicated, are in everyone's best interest—the consumer, the credit bureau, and the business which bases its credit approval on these reports.

Mr. President, it is my belief the best way to improve the accuracy of credit reports is for individuals to review their own files. Under the managers' amendment the bill provides for a free report for people who are unemployed, on welfare, or who have been victims of fraud. Additionally, all other consumers are entitled to one report per year at a small cost of \$3. Individuals in our society who are less well off will get free copies of their reports, and the rest will have a rather modest charge to get that information. That is an important change because credit bureaus have in the past charged for these reports between \$15 and \$25 a report.

As a former attorney general and Governor, I take very seriously States' rights and believe there is a high threshold before State law should be preempted by the Congress. However, when the operation of businesses in interstate commerce can be improved without—and I emphasize "without"—disadvantaging consumers or causing undue harm to State efforts, I believe that Federal uniformity should be tried.

In this bill specific provisions that lend themselves to Federal uniformity have been preempted. By way of example, this bill sets a national standard for timetables in terms of internal

deadlines for compliance of certain corrective information and also the nature of disclosure forms.

Consumers, in my judgment, are not disadvantaged by having a Federal timetable for reinvestigation, or a uniform disclosure form with respect to their rights, while businesses are greatly assisted and benefited by not having to meet 50 different timetables established by 50 different States or 50 different forms established by 50 different States.

Additionally, Mr. President, the FTC is given the authority to shorten the timetables should the technology warrant. And I would fully expect over the years the FTC will find that some of the technology that is making its way into the business—as I observed, 24 years ago a lot of these entries were done by hand, literally, as I guess they had been done since Biblical times in terms of relating to business transactions. The system now is much, much more sophisticated with the accessibility to enormous information retrieval systems.

In our managers' amendment, this limited preemption is sunsetted at the end of 5 years.

When representatives of the business community approached us about the need for uniformity in this area, they stressed the need to preempt multiple States' laws while a new Federal law demonstrated its effectiveness. This 5-year preemption period should provide adequate time to demonstrate whether these Federal standards are sufficient. And I believe with the authority provided the Federal Trade Commission in updating them, that will in fact be the case.

Finally, Mr. President, our credit reporting reform bill provides protection against an abuse that has arisen under the generic of credit repair businesses—outfits that represent to consumers who have experienced problems with credit bureaus that they can have their problems solved and their credit records cleaned up.

The record reflects that all too often the representations made by these so-called "credit doctors" prove to be misleading, deceiving consumers who pay high front-end fees. Our legislation requires that these credit repair clinics actually provide the service before seeking compensation. In effect, if they do not deliver, they do not get paid.

Almost every American is impacted by the information contained in his or her credit reports, although most of us have little or no knowledge to the extent to which these files actually impact us.

Our lifestyles, our livelihood, our reputations can be seriously affected by a bad credit report, often without our knowledge. Reforming credit reporting is one of the most significant actions we can take in Congress to benefit consumers nationwide. And if you

do not think there are serious problems with credit reports, I suggest to my colleagues, ask around. I guarantee that you will find a lot of very angry, frustrated consumers who have dealt with this problem firsthand.

Bear in mind that the No. 1 complaint at the Federal Trade Commission concerns credit bureaus. There are too many lives that are being adversely affected by inaccurate credit reports for us not to make every effort to improve the system.

Student loans, car loans, and mortgages, even jobs and job promotions, often hang in the balance because of faulty information on credit reports.

While we will never eliminate human error entirely, or computer error for that matter, the credit reporting process must be greatly improved. And S. 783 is a milestone in seeking that improvement.

Mr. President, I thank the Chair.

I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER (Mr. HEFLIN). The Senator from Utah.

RIGHT TO MAKE A POINT OF ORDER

Mr. BENNETT. Mr. President, I ask unanimous consent that my right to make a point of order under rule XXVI, paragraph 11(b), be preserved so that I might make that point of order at any time prior to final passage of S. 783.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BENNETT. Mr. President, thank you.

Mr. President, I was one of the four on the committee who voted against this bill, and I am here today on behalf of the Republicans on the committee to see that it is handled in a proper and expeditious fashion. So I will not take advantage of my assignment from the committee to press my particular individual views on the matter. I realize that once the Senate has more of a full compliment of its Members on a day when we have rollcall votes that the distinguished Senator from Missouri [Mr. BOND], who is a cosponsor of the bill, will be sitting in this chair and carrying the responsibility on behalf of the Republican side of the committee.

I do not want to, as I say, abuse my opportunity to be here in his place. His plane is late, and that is why the duty, if you will, has fallen to me.

At the same time, Mr. President, I would like to express some general concerns about this legislation and make some general comments about the efforts of the majority.

I agree completely that this is an area of great frustration and great challenge for many consumers. I have had the experience of personally reviewing my own credit report and seeing things there that I did not like. I have had the experience of having my credit turned down by a car dealer after looking at my report and deciding

that I was not creditworthy. It was with some satisfaction that I resolved the issue by paying cash for the car and leaving the car dealer wondering what was valid about the credit report.

So I understand from a personal circumstance how inaccurate and how frustrating these things can be. And I pay tribute to the Senator from Nevada and the Senator from Missouri for their effort to clean up the situation. I do have some amendments, however, that I will press upon the Senator from Nevada and the Senator from Missouri. And if I cannot work it out with them, then I will offer them on the floor, because I think there are some problems in the way the final bill has been drafted.

I need to stress the structure of this system, which many people perhaps do not understand. The information that keeps the system flowing is voluntarily provided. There is no requirement under the law that a retailer or an auto dealer or a furniture store or that a bank make this information available. Those who feel that the liability provisions of this bill would affect them adversely have the right to simply stay out of the system by not putting in any information.

A larger organization might very well exercise that right. By "larger organization", I would mean one of the great national retailers with operations in all 50 States, stores and catalog operations scattered around the country, and a customer base in the tens if not hundreds of millions. Such an organization could just decide "We will keep our records to ourselves. We will know who is creditworthy and who is not among our own customers, and we will not share that information with anybody else." That would be their right under this bill.

If several retailers were to decide to do that, some interesting things would happen on the credit reports of the individuals who shopped with those retailers. A bank looking at the credit report of such an individual would notice that there was no report from retailer A and no report from retailer B. And the bank would say, "It may well be that the reason these reports are not there is because the retailer has decided that individual is not creditworthy, and to avoid liability under S. 783 it has simply deleted that name. That being the case, I, the bank, had better be careful about granting credit to this individual."

So the bank could then adopt a policy that says the credit card that we would grant to this individual will have a credit limit of \$300 instead of \$600, of \$200 instead of \$1,000, or whatever. Credit would then be restricted in a way that could not find remedy under this bill. There is nothing in this bill that says that a bank or a retailer or financial institution has to extend credit of a certain amount. The banks

would say, "Yes, we have given credit to the individual based on his or her credit report. And we have made the decision which is entirely within our rights to keep the limit down. We will not raise the limit until we have had enough personal experience with this individual so that we are comfortable with our own credit record and not dependent upon the credit report."

I realize this is a theoretical scenario. It may well not happen. By the same token, it may well happen. Who gets hurt under this kind of a circumstance if that is the result of this bill? Obviously, the consumer gets hurt because the consumer does not have the opportunity to receive as much credit as would otherwise be available. The credit crunch that we hear a great deal about in the Banking Committee would be exacerbated.

But there is another group in America that would get hurt if this particular scenario were to come to pass, and that is the small retailer who does not have the bank of computers that can give him or her credit information on tens if not hundreds of millions of customers—the small retailer who has a relatively small territory, a relatively small operation, and who is completely dependent upon the credit reports from the credit bureau to make his or her decision about where credit should be extended. The opportunity is there for a customer to take advantage of a faulty report—faulty because the omissions are much greater. There the small businessman runs a much greater risk than he would than if some of the problems that I see in this bill could be corrected.

So, Mr. President, I voted against the bill in committee. I think the bill can be fixed. I will have, as I say, some amendments to address some of these concerns. But I do again commend the Senator from Nevada, and the Senator from Missouri for their leadership in trying to fix these problems.

I want to make it clear that my concern in the areas that are covered by my amendment does not send the message that I am unaware of the problems behind this legislation and of the desire of the two sponsors to get these problems corrected.

We will debate this for the balance of this day, and we will be dealing with it tomorrow. With my rights reserved to raise the point of order, I will raise what arguments and parliamentary maneuvers I have to in order to try to get the situation resolved. But I do feel we can get it resolved because of the good faith of the individuals involved.

With that, I yield the floor.

Mr. BRYAN. Mr. President, I thank my friend and colleague from the State of Utah for his generous comments about the efforts Senator BOND and I have expended on this piece of legislation. I want to assure him that neither I nor Senator BOND are unmindful of

the concerns which he has raised about the ongoing stream of information that must be made available by those who are in the business of furnishing credit, so that the overall system by which the consumer accesses credit is not in any way disadvantaged.

He has shared with me privately, as he has on the floor just moments ago, his concern about this issue. I reassure my friend and welcome the opportunity to engage in conversation with him and his staff as we look at some of these things he has asked us to consider, and we are very conscious of the fact that if you go too far, you indeed restrict the flow of this information, which is not in the consumers' best interest, not in the business community's best interest, or in the economy's best interest. We recognize that, and I think we are in agreement, at least in terms of the principles he has espoused.

It is for that reason that no private cause of action is provided to an individual for information that is provided initially that is erroneous, and that indeed before a liability attaches to the provider of a credit, there must be an affirmative determination by either the Federal Trade Commission or a State's attorney's general office that there has been a pattern and practice, which indicates a very egregious series of events, which would take it out of the area that I think is the concern of my friend from Utah—and it is a legitimate concern—that, with the volume of information engendered, which is literally billions of bits of information each month—millions of reports are literally sold each day; I think it is 1.5 million each and every day—you are going to have information in there that would be inaccurate. I assure my colleague that it was not our intention to impose liability when the inaccurate information is innocently done. I welcome the opportunity to visit with him and tell him that, in terms of preparing the language used, we are conscious of that and have talked to a number of those involved in the business of providing information to make sure that we address those legitimate concerns.

Mr. President, I do not see anybody seeking recognition, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

TRIBUTE TO PRESIDENT NIXON

Mr. HATCH. Mr. President, I have not had an opportunity since former President Nixon died to be able to say anything about our relationship and

what a great man I felt that he was. So I would like to take this time right now to say a few things about our former President, a man I knew well, who certainly befriended me at times in my life when it meant a great deal.

Mr. President, I am profoundly saddened by the passing of former President Nixon, a great man and a great leader who I was proud to call my friend. Because of his life, our world was profoundly changed for the better; because of his death, the lives of those he has touched, including my own, have suffered a loss from which they will never fully recover.

I wish, first of all, to express my deep condolences to Julie and David Eisenhower and Tricia and Ed Cox, as well as his grandchildren Jenny, Alex, Melanie, and Christopher. Because they knew President Nixon not only as a statesman but also as a loving father and grandfather, their loss is immeasurably greater. They are in our prayers.

Like most Americans, I spent many hours over the last week reflecting on President Nixon's life, what he stood for, what he achieved, and what his life meant to our country and the world. It has been striking to see the way even those who fought President Nixon at every turn have now come to see his extraordinary qualities and abilities.

I had the privilege of meeting one-on-one with President Nixon for about 2 hours in 1991, shortly after the confirmation of Justice Thomas to the Supreme Court. To be in the former President's presence was to understand that you were in the presence of a major historical figure, a man cut from a difficult cloth, a leader who had painted on larger canvas and who always worked in bold strokes and bright colors, not pale pastels.

We discussed the Thomas hearings, world affairs, domestic issues, and politics, as well as the political scene in Utah. I can still see him in my mind's eye, slouching in a comfortable easy chair, feet propped up on a small ottoman, eyes intently engaged as I spoke, and mind totally focused as he explained his views. His mind was like a powerful searchlight, moving from one issue to another and illuminating the critical questions and decisions before our Nation.

As have other Members of this body, I was privileged to be able to attend briefings by President Nixon, the most recent of which was earlier this year. He spoke without notes in almost lyrical terms. He was fond of saying that politics at its best was poetry not prose. Anyone who has heard him speak knows that he not only understood that insight but also lived by it.

I have read all of President Nixon's nine books, and I was looking through some of them last night. One passage that I happened upon from the opening of his book "Leaders" captures the

feelings friends and foes alike are experiencing as we mourn his death. He wrote:

What makes the role of [great] leaders so compellingly interesting is not just its drama, but its importance—its impact. When the final curtain goes down on a play, the members of the audience file out of the theater and go home to resume their normal lives. When the curtain comes down on a leader's career, the very lives of the audience have been changed, and the course of history may have been profoundly altered.

With the passing of President Nixon, we know that a great leader has left the stage, that our national life and each of our lives has been forever changed by his leadership and policies.

Biographers will summarize his achievements better than I can in this short statement. But I wish to register a note of dissent from the prevalent theme that President Nixon was a leader interested primarily in foreign rather than domestic policy.

His administration was just as active domestically as it was internationally. He peacefully desegregated the schools of the South, created the Environmental Protection Agency, initiated the research programs to find a cure for cancer, fired the first volleys in the war against drugs, fought for welfare reform that would help keep families together, made strides toward restoring judicial restraint in the Supreme Court, and ended the military draft and established the all-volunteer Armed Forces.

He was an activist on civil rights. His program for Black Capitalism sought to foster economic growth in the cities. He opened the doors for employment of Hispanic-Americans into the Federal Government. Today, we call that economic empowerment.

I would also add that he achieved something all his successors have failed to do: the last balanced budget was achieved under President Nixon in 1970.

All of these were impressive feats, especially because both Houses of the Congress were controlled by the opposition party during all of his tenure. President Nixon faced gridlock. But he understood that gridlock was not an excuse for inaction. He fought for what he believed in despite the odds. Even if he sometimes had to accept compromises that achieved only part of his objectives, he advanced his cause, he made progress, he improved the lives of countless Americans.

President Nixon's international achievements are well known. The rapprochement with China, detente with the Soviet Union, the honorable end of American involvement in Vietnam, the support of Israel in the 1973 Mideast war, the tilting toward Pakistan in the 1971 Indo-Pak war, the return of Okinawa to Japan, and the restoration of close Franco-American cooperation are only a sampling of the achievements of his years in office.

If you look at a globe, there is hardly a country on earth that was not touched by his life, hardly a nation that did not in some way benefit from the choices he made as President.

Unlike most Western leaders, he took the long view of history. His opening to China and his diplomacy with the Soviet Union contributed to historical processes of change that resulted in the democratic revolutions from 1989 through 1991.

China's integration into the world community has unleashed powerful forces that, I believe, will peacefully transform that totalitarian dictatorship within a decade.

In his recent trips to Russia and other states of the former Soviet bloc, President Nixon was heralded as a leader who was a prime mover in creating the international conditions for internal change. The contacts between the West and the East—which President Nixon initiated—sowed the seeds of democratic ideas and values, which in turn bloomed in the revolutions all of us have celebrated in recent years.

The former President combined the idealism of a Wilson with the hard-headed calculation of a Metternich. He had a vision—preserving peace while promoting freedom—but he approached it with steely realism not with woolly headed naivete. He was pragmatic, but he did not compromise easily. In every crisis, he was determined to achieve every inch of what was achievable—to give history a firm push in the right direction. The world is immeasurably better off for his having done so.

However, his greatest achievement was the restoration of the American spirit. He became President at the most difficult moment in 20th-century American history. The Nation was bogged down in Vietnam, without a strategy for winning. The campuses were in rebellion. The inner cities were burning.

He knew his principal mission as President had to be addressing the crisis in the American spirit. In his inaugural address in January 1969, he said:

We have endured a long night of the American spirit. But as our eyes catch the dimness of the first rays of dawn, let us not curse the remaining darkness. Let us gather the light.

President Nixon healed the American spirit not by giving in to the demands of every protester or interest group but by providing leadership at home and abroad. He defined a positive agenda in domestic policy. And by exploiting the split in the Communist world, he put the United States in a pivotal position in world politics.

Charles de Gaulle once wrote, "Nothing great is done without great men, and these are great because they willed it." President Nixon was such a man. When you met him, his resolve and determination was palpable. You could sense it, almost feel it. It is what en-

abled him to navigate the turbulent times in which he governed.

Unfortunately, the white heat that forges the steel in a leader's personality also creates flaws. The leader who commands extraordinary capabilities in politics or statecraft can also fall prey to extraordinary mistakes in other areas. His mistake in Watergate was not to root out those responsible but to ride out the political storm. In the heated partisan atmosphere of the early 1970's, this tragic error led to a constitutional crisis and ultimately to his resignation.

President Nixon made mistakes in Watergate. He admitted to them. He paid the price for them. Most important, however, he moved on.

In a sense, President Nixon taught us just as much about how we should live life as he did about how to change the world. Above all, he cared passionately about making a difference. In my meetings with him, I could feel that this motivation is what drove him, what gave him his life energy. Also, it gave him the strength to overcome the devastating defeat of leaving office in 1974.

In the scores of articles I have read about President Nixon in recent days, the most insightful was a column by William Safire, one of his White House speechwriters. Its theme was that President Nixon was the man who defeated defeat. As Mr. Safire concluded, "Defeat be not proud; in Richard Nixon, ruination met its master."

Mr. President, I ask unanimous consent that the text of this article appear after my remarks in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. HATCH. All of us who admired Richard Nixon are rightly saddened. But we should take heart from the fact that President Nixon lived his life without compromise right up to the end. He traveled to Russia and Ukraine to press for policies to assist in the free-market and democratic transformations of those countries. He finished his 10th book, entitled "Beyond Peace," that addresses the foreign and domestic issues we face after the cold war, as well as the philosophical questions the next century will present. He could not have lived more fully in the final days of his life.

President Nixon had a philosophy about life and about how to live the twilight years. He expressed it with profound eloquence in the closing pages of his book, "In the Arena." He wrote:

I shall always remember my first visit to the Grand Canyon sixty-five years ago. I did not believe any view could be more spectacular than the one from the heights of the South Rim until I hiked seven miles down to the river below and looked backed up. It was only then that I fully appreciated the true majesty of one of nature's seven wonders of the world. Only when you have been in the depths can you truly appreciate the heights.

Life is a rollercoaster, exhilarating on the way up and breathtaking on the way down. If you take no risks, you can enjoy a life that is comfortable, trouble-free, placid—and dull. Without risks you will suffer no defeats. But without risks you will win no victories. You must never be satisfied with success, and you should never be discouraged by failure. Failure can be sad. But the greatest sadness is not to try and fail, but to fail to try at all. Above all, you should remember that defeat which does not destroy you can strengthen you.

In the end what matters is that you have always lived life to the hilt. I have been on the highest mountains and in the deepest valleys, but I have never lost sight of my destination—a world in which peace and freedom can live together. I have won some great victories and suffered some devastating defeats. But win or lose, I feel fortunate to have come to that time in life when I can finally enjoy what my Quaker grandmother would have called "peace at the center."

In speaking of life in the twilight years, Richard Nixon was fond of quoting the poet Sophocles, who wrote 2,000 years ago, "One must wait until the evening to see how splendid the day has been." In his case, we can look back and say that the day was indeed splendid.

Mr. President, my friend Richard Nixon is at peace now. I will miss him. Our Nation will miss him as a senior statesman. But let us not despair at his passing but rather celebrate his life. More than virtually any postwar American leader, he made a difference.

EXHIBIT 1

MR. COMEBACK

(By William Safire)

WASHINGTON.—Late one night in the White House working on a speech, Richard Nixon tried to encapsulate his more recent predecessors in a single word or phrase: "Truman—a fighter. Eisenhower—a good man. Kennedy—charisma. Johnson—work. Me—what?"

I did not have a good answer that night in 1970; I do now. Nixon—an inspiring resilience.

In the 60's, he rose up after his political obituary and employed his unique combination of grit, guile and greatness to seize the moment that had been denied him before. He expressed the secret of overcoming adversity in a private note to Ted Kennedy after Chapquiddick: "A man's not finished when he's defeated; he's finished when he quits."

Nixon liked "the comeback theme" because it identified his return from defeat with the careers of Churchill and de Gaulle. During another break in speech collaboration, he recalled a meeting with de Gaulle at which Nixon aides took notes. "They got everything down of substance. But then de Gaulle said, in a kind of an aside, 'All the countries of Europe lost the war, but only two were defeated.' They never wrote that down. And that's the one thing I'll never forget from that meeting."

He instructed those of us in the Five O'Clock Group to "get the word out" about his 60's comeback, which made the media all the more resistant to our image-making. But as Henry Kissinger once said of a selling argument, "it had the added advantage of being true."

We had no idea how true it was, or how soon the essence of Nixon's character would be put to the test again.

From the pinnacle of success—the vote of confidence of a 49-state landslide—he plunged to the nadir of forced resignation. After Watergate, he stood naked to his enemies, who had become legion.

Stripped of power, denuded of honor, deserted by supporters rightly dismayed at the cover-up, he had no reservoir of public trust and no visible means of defense. His only assets were his mind, his pride and his hard-bought experience.

I visited him at San Clemente during one of the most depressing moments. It was April 29, 1975, the day the capital of South Vietnam fell to the Communists, and he took personal responsibility for the debacle. "Terrible day for freedom, and all my fault," he said, his phlegm-inflamed foot elevated on a cushion. "The fall of Saigon is the direct result of the way I messed up Watergate."

Then the second and even more difficult comeback began. He thought, he traveled, he wrote. He took no fees for speeches and ended the public expense of Secret Service protection. Despite the glares of the guardians against his feared "rehabilitation," he slowly, over two decades, worked his way back first to a tentative acceptability, then to grudging respect, finally to an honored role as leader to opinion leaders and adviser to Presidents.

How did he resurrect himself? By learning a great lesson and by living an example.

The lesson was the need to rise above the us-against-them ethos of the political gun-fighter. "Those who hate you don't win," he told his White House staff on his way out, "unless you hate them—and then you destroy yourself." Nixon-haters go to their graves hating him; he goes to his grave knowing better than to hate them.

The example he set in his subsequent full generation of peace was that of a man who again refused to accept personal defeat.

Richard Nixon, in becoming America's greatest ex-President, proved there is no political wrongdoing so scandalous that it cannot be expiated by years of useful service; no humiliation so painful that it cannot be overcome by decades of selfless sagacity; no personal doldrums so deep that they cannot be dispersed by a gutsy engagement with life.

That's why, to sum up Nixon in a phrase, this former aid would choose: an inspiring resilience. By resolving a second time to earn his way to political redemption—and then by doggedly, brilliantly triumphing in that second comeback—he justified the faith of all those millions who ever believed in him.

Defeat be not proud; in Richard Nixon, ruination met its master.

RACIAL JUSTICE ACT

Mr. HATCH. Mr. President, last week, on this floor, I explained in detail how title IX of the House crime bill—which is mislabeled by some as the Racial Justice Act—would effectively abolish the death penalty in my home State of Utah and in every other State in this country, as well as the Federal level.

Unfortunately, President Clinton, despite his rhetoric in support of the death penalty, has not yet stated his opposition to this Death Penalty Abolition Act. Indeed, his administration has publicly stated that it is neutral on this radical measure.

Even worse, according to a detailed newspaper account, the Clinton administration in fact lobbied House Democrats to keep title IX in the House crime bill. In addition, the Clinton administration is reportedly seeking to hammer out a false compromise under which the death penalty would ultimately be abolished in two steps rather than one.

Mr. President, let me be clear: The so-called Racial Justice Act has nothing to do with racial justice and everything to do with abolishing the death penalty.

In the guise of protecting against race-based discrimination, title IX would instead impose an unreliable and manipulable statistical quota on imposition of the death penalty. It would convert every death penalty case into a massive sideshow of statistical squabbles and quota quarrels. As prosecutors already recognize, they would ultimately have no choice but to adopt a death penalty quota that equals zero—in short, to abolish the death penalty. That is why this Death Penalty Abolition Act has been strongly opposed by the National Association of Attorneys General, the National District Attorneys Association, and other law enforcement and victims groups.

Mr. President, at this time I would like to enter in the RECORD three letters that illustrate the strong and bipartisan opposition of prosecutors to any provision that enables a brutal killer to escape the death penalty based on manipulated statistical showings from unrelated cases.

The first letter, from the National Association of Attorneys General, includes a recent resolution passed by that body that specifically opposes any version of title IX. Again, let me emphasize that the resolution from the National Association of Attorneys General was supported by both Democrats and Republicans.

The second letter that I would like to have made part of the RECORD is a letter from Jan Graham, the attorney general from my State of Utah. In this letter, Ms. Graham, a Democrat, states her opposition to title IX "because it would impose an unworkable statistically-based procedure on the States" and "would effectively abolish capital punishment, weaken law enforcement, and suspend closure for victims of violent crime."

Third, I have a unanimous resolution from all 58 elected district attorneys in the State of California opposing any version of the so-called Racial Justice Act.

Mr. President, I ask unanimous consent that these three letters be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. HATCH. It is bad enough that an administration that purports to sup-

port the death penalty has publicly stated its neutrality on title IX. It is even worse that the same administration is reportedly working behind the scenes to salvage what it can of this legislation.

Attorney General Reno, in response to my questions at a hearing last week, disclosed that the administration may attempt to modify title IX so that it applies only to cases in the Federal system.

Even as so modified, title IX would not be acceptable. In the first place, it would result in the abolition of the Federal death penalty at the very time that the administration is purporting to support expansion of the Federal death penalty.

It is worth noting that, according to a recent article, Attorney General Reno has approved seeking the Federal death penalty against nine defendants, all of whom are black. Now I do not believe for a second that Attorney General Reno has been acting in a racially discriminatory manner. But the false compromise that the Clinton administration is working on would compel this faulty inference as a matter of law.

Second, a statistical quota system that would apply, for the time being, only to the Federal Government should give States no more comfort than the German invasion of Belgium gave the French. Far from being a stable accommodation, such modification of title IX would simply set the stage for a later full-scale assault on the death penalty in the States.

In short, if President Clinton truly supports the death penalty—if his actions are to match his rhetoric—he must demand that title IX in its entirety be removed from the crime bill. If he remains silent or neutral on this issue, or supports phony compromises, it can only mean that he is prepared to repeal the death penalty for the most heinous crimes in this country.

A vote for any bill that contains title IX is a vote to abolish the death penalty. I look forward to working with my colleagues to make sure that this provision is removed at conference.

EXHIBIT 1

APRIL 12, 1994.

Hon. JACK BROOKS,
Chairman, House Judiciary Committee, House of Representatives, Washington, DC.

Hon. HAMILTON FISH, Jr.,
Ranking Minority Member, House Judiciary Committee, House of Representatives, Washington, DC.

DEAR CONGRESSMEN: We are a bipartisan group of chief law enforcement officers of our respective States who are responsible for overseeing capital and non-capital habeas litigation and for enforcing state criminal law in death penalty and non-death penalty jurisdictions.

We wish to express our views on the need to strike habeas corpus as part of the House omnibus crime bill, and on some of the amendments which have been offered. Specifically, we write in strong support of the

Hyde Amendment (to strike the habeas provisions contained in the crime bill, H.R. 4092, Title VIII) and strong support for the McCollum Amendment (to substitute the Equal Justice Act for legislation in Title IX of H.R. 4092 which provides relief based on mere statistical showings from unrelated cases). This is consistent with the recently adopted Resolution of the National Association of Attorneys General (NAAG), a copy of which is attached.

SUPPORT THE HYDE AMENDMENT TO STRIKE TITLE VIII AND OPPOSE ANY OTHER HABEAS AMENDMENTS TO TITLE VIII (INCLUDING THE DERRICK AMENDMENT)

Several reasons compel our strong support for the Hyde Amendment to strike the habeas provisions from the omnibus crime bill:

First, the Hyde Amendment is consistent with a similar bipartisan amendment, which was offered by Senator Dianne Feinstein and Senator Orrin Hatch, and which was unanimously agreed to last year in the Senate.

Second, we believe that the habeas provisions contained in Title VIII of H.R. 4092 may once again hold up consideration and enactment of other important crime reform issues. Habeas corpus reform has proven to be a contentious issue in prior Congresses and in fact was in large part responsible for the deadlock on the omnibus crime bill in the last Congress. The need to address violent crime is too urgent to delay deliberation on other measures to combat crime. Similarly, we believe there is a danger that the other provisions of the crime bill may be viewed as so important that habeas provisions will be swept into the omnibus package without sufficient review and analysis of their long term impact and legal significance, as discussed below.

Third, there are other precedents for severing certain specific crime reform issues from omnibus crime bills. They include, for example, the Brady bill (five-day waiting period for handgun purchases).

We believe stronger reasons support the severance of the habeas provisions from the crime bill. Such a severance would allow the provisions of any habeas reform bill to be considered on their own merits. Habeas corpus, while an important part of our criminal justice system, is a specialized and arcane area of the law. Any reforms adopted by the Congress in this area will have tremendous ramifications on the operations of the criminal justice system, law enforcement, and victims of crime, and therefore warrant independent consideration.

We have previously expressed a commitment to obtaining meaningful reform of the federal habeas corpus process, along the lines of the Powell Committee Report. This Report endorses the so-called "one bite at the habeas apple" approach, enabling state prisoners one fair and complete round of habeas litigation in federal court. We need effective reforms to curb unnecessary delay and repetitious litigation which has become all too common under the current federal habeas corpus process. Such reforms should, however, be considered in separate legislation.

Fourth, the legislation reported out by the House Judiciary Committee, and now included in Title VIII of H.R. 4092, would, according to the recent NAAG Resolution, "adversely affect all capital and non-capital habeas litigation in the States and effectively stop all state capital case prosecutions and executions under valid state capital sentencing schemes." The legislation would overturn or modify numerous key U.S. Supreme Court precedents which promote finality in our criminal justice process. This includes

the Teague doctrine, which is essential for capital and non-capital cases. Instead of streamlining the process, this legislation will provide convicted criminals with more opportunities to challenge their conviction and sentence than under current law. The legislation also fails to respect the state trial as the "main event" in our criminal justice process, and is inconsistent with established comity doctrines respecting the role of state court proceedings in the enforcement of state criminal law.

Fifth, the last-minute efforts of some to offer new habeas amendments to the crime bill on the House floor deprive members of Congress and the public from a full and fair opportunity to study and comment on the legislation. In congressional committee hearings or mark-up concerning specific bill language, law enforcement and victim rights groups normally are given a chance to apprise the Congress of their views concerning the impact of new language or standards. When amendments are patched together at the last minute, this opportunity is denied.

These concerns are especially true for habeas corpus reform. New proposals, which have not been subject to public review, may also have drastic ramifications on the operations and costs of our departments and the criminal justice system and have serious consequences on finality, the enforcement of state laws, and victims. Any habeas reforms included in the crime bill would constitute the first major change to the federal habeas statute since 1966. Because of the tremendous changes to current law which would result under any last-minute amendments, we believe Congress should proceed carefully and deliberately before considering any new habeas reform proposals.

For example, over the last several years, the U.S. Supreme Court has rendered many opinions which have clarified the role of federal court review of state court judgments; promoted the interest in finality and closure for surviving victims; and respected the interests of states and the enforcement of state laws in our federalism system. We fear that if Congress does not fully and fairly consider the import of proposed new language, these and other precedents will be cast aside and more delay and litigation will result. In addition, concerns have been noted over the impact of new amendments on the deterrent objective of the death penalty. All of these consequences should be carefully studied before Congress considers Amendments offered on the floor of the House for the first time. We believe the public would best be served by complete congressional hearings before any new Amendments are debated in the House.

We understand that a new habeas amendment is also expected to be offered by Congressman Butler Derrick of South Carolina. Preliminary review shows that this amendment is also worse than current law and would overturn numerous key U.S. Supreme Court cases governing habeas corpus. For these reasons, we therefore oppose the Derrick Amendment or any other amendments which may be offered at the last minute to Title VIII of H.R. 4092. Any habeas reform measure should be considered in a separate bill, after the public has had a full and fair opportunity to comment on the proposed legislation.

In sum, while we strongly support habeas corpus reform, we believe it should be accomplished in a deliberative, studied and independent manner. For these reasons, we wholeheartedly support the Hyde Amendment to strike the habeas provisions (Title VIII) from H.R. 4092.

SUPPORT THE MC COLLUM AMENDMENT (AND ANY OTHER EFFORTS TO STRIKE TITLE IX); OPPOSE ALL OTHER AMENDMENTS TO TITLE IX (INCLUDING THE EDWARDS OR WASHINGTON AMENDMENTS)

With regard to Title IX of H.R. 4092, concerning racially discriminatory capital sentencing, we strongly support the McCollum Amendment, and any other efforts to strike Title IX of H.R. 4092, as discussed below. The McCollum Amendment, which passed the House in the last Congress, would (1) strike Title IX (which provides relief based on mere statistical showings from unrelated cases), and (2) substitute the Equal Justice Act.

Significantly, the McCollum Amendment would apply to all penalties, not merely capital punishment, and would codify existing case law protections against racial bias. The Equal Justice Act expressly prohibits racially discriminatory policies. The legislation states that any penalty "shall be administered . . . without regard to the race or color of the defendant or the victim" and prohibits "any racial quota or statistical test" for any penalties. Finally, the Equal Justice Act provides safeguards during the trial, not after-the-fact like statistical showings legislation.

As the recent NAAG Resolution noted, NAAG opposes "any measure that would allow a capital defendant to make a statistical showing from unrelated cases as the basis for appellate or collateral relief." Such statistical showings legislation seriously undermines enforcement of the death penalty.

In *McCleskey v. Kemp*, the U.S. Supreme Court rejected a claim which would allow capital defendants to make a statistical showing of potential race discrimination from unrelated cases as a basis for collateral relief. The Court correctly held that a defendant who contests his capital sentence on the basis of racial discrimination is required to prove that the decision makers in his or her own case acted with a discriminatory purpose.

For these reasons, we strongly oppose title IX of H.R. 4092, or any amendment (including the Edwards and Washington Amendments) which would overturn *McCleskey v. Kemp* or provide appellate or collateral relief based on mere statistical showings from unrelated cases.

CONCLUSION

In sum, we strongly urge the U.S. House of Representatives to: (1) support the Hyde Amendment and oppose all other amendments which may be offered on Title VIII; and (2) support the McCollum Amendment and oppose Title IX or any other amendments which may be offered on Title IX. We oppose any amendments or legislation which would weaken current law or provide convicted individuals with greater opportunities to challenge their conviction or sentence. We remain available to work with you to accomplish meaningful federal habeas corpus reform through separate legislation.

Sincerely,

Larry Echols, Attorney General of Idaho; Frankie Sue Del Papa, Attorney General of Nevada; Dan Morales, Attorney General of Texas; Daniel E. Lungren, Attorney General of California; Joseph P. Mazurek, Attorney General of Montana; Robert A. Butterworth, Attorney General of Florida; Grant Woods, Attorney General of Arizona; Mark Barnett, Attorney General of South Dakota; Michael F. Easley, Attorney General of North Carolina; Bruce Botelho, Attorney General of Alaska; James S. Gilmore, Attorney

General of Virginia; Ernest D. Preate, Jr., Attorney General of Pennsylvania; Heidi Heitkamp, Attorney General of North Dakota; Jeff Amestoy, Attorney General of Vermont; Jimmy Evans, Attorney General of Alabama; Gale A. Norton, Attorney General of Colorado; Robert A. Marks, Attorney General of Hawaii; Deborah T. Portiz, Attorney General of New Jersey; Joseph B. Meyer, Attorney General of Wyoming; Jan Graham, Attorney General of Utah; Tom Udall, Attorney General of New Mexico; Don Stenberg, Attorney General of Nebraska; Jeffrey B. Pine, Attorney General of Rhode Island; T. Travis Medlock, Attorney General of South Carolina; Robert T. Stephan, Attorney General of Kansas; Pamela Carter, Attorney General of Indiana.

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL—RESOLUTION ADOPTED MARCH 21, 1994

Whereas, the National Association of Attorneys General is an organization composed of the Attorneys General of the 50 states and 6 jurisdictions of the United States;

Whereas, the Attorneys General have been deeply involved in seeking to influence comprehensive federal legislation in order to achieve a meaningful and effective impact upon the national scourge of violent crime;

Whereas, the Congress has attempted several times in the past three years to pass omnibus anti-crime measures with provisions essential to combating violent crime, but has been unsuccessful for various reasons;

Whereas, the U.S. Senate passed an omnibus crime bill on November 19, 1993, but purposefully did not include any habeas corpus provisions, and it appears that including such provisions in the U.S. House bill will unnecessarily complicate the House's approval of a consensus-oriented bill, as well as delay the passage of any worthwhile anti-crime bill;

Whereas, the National Association of Attorneys General has previously resolved to oppose federal habeas reform legislation which undermines finality and which promotes unnecessary delay;

Whereas, the National Association of Attorneys General strongly supports existing protections against racial prejudice in individual cases, but opposes any legislation which provides appellate or collateral relief based on mere statistical showings from unrelated cases;

Whereas, the U.S. House Judiciary Committee recently reported out: (1) legislation inconsistent with the Association's previous resolutions addressing habeas corpus reform; and (2) a measure that would allow a capital defendant to make a statistical showing from unrelated cases as the basis for appellate or collateral relief;

Whereas, such legislation would adversely affect all capital and non-capital habeas litigation in the States and effectively stop all state capital case prosecutions and executions under valid state capital sentencing schemes.

Now, therefore, be it resolved that the National Association of Attorneys General:

(1) strongly supports all efforts to strike the following provisions from an omnibus anti-crime bill: (1) any habeas corpus reform legislation; and (2) any statistical showings legislation; and

(2) opposes H.R. 4018, or any federal habeas legislation which undermines finality and promotes unnecessary delay, and H.R. 4017, or any measure that would allow a capital

defendant to make a statistical showing from unrelated cases as the basis or appellate or collateral relief; and

(3) authorizes its Executive Director and General Counsel to transmit this resolution to the Administration and Members of Congress.

OFFICE OF THE ATTORNEY GENERAL,
STATE OF UTAH,
April 11, 1994.

Re Habeas Corpus/Sentencing Legislation.

Representative JAMES HANSEN,
Rayburn Building, Washington, DC.
Representative WILLIAM H. ORTON,
South Langworth Office, Washington, DC.
Representative KAREN SHEPHERD,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVES HANSEN, ORTON, AND SHEPHERD: I am writing this letter to advise you of my position relating to the Titles VIII and IX and H.R. 4092, the omnibus crime bill. My comments are based not only on my office's analysis of the issue but also my understanding of the position of the Utah law enforcement community as a whole. I have had an opportunity to talk with many of the top law enforcement individuals in the State of Utah and I think we all agree on the following analysis:

H.R. 4092, Title VIII (concerning federal habeas corpus): I oppose this title because, rather than curtaining habeas litigation, it would multiply postconviction litigation, overturn significant and very helpful U.S. Supreme Court precedent, and further undermine the finality of state criminal convictions.

I support the Hyde Amendment, which would excise the controversial habeas provisions from the present crime bill and allow them to be considered separately on their own merits.

H.R. 4092, Title IX (concerning race in capital sentencing): I oppose this title (the so-called "Racial Justice Act") because it would impose an unworkable statistically-based procedure on the states and in Utah's case create a system that would be unworkable.

I support the McCollum Amendment (the "Equal Justice Act") because it would prohibit racial discrimination in all sentencing without imposing unworkable statistical models.

The Utah law enforcement community believes that Title VIII and IX of H.R. 4092 would effectively abolish capital punishment, weaken law enforcement, and suspend closure for victims of violent crime. The provisions would also impose significant new financial burdens on the State of Utah. I urge you to oppose these provisions.

Very truly yours,

JAN GRAHAM,
Attorney General.

CALIFORNIA DISTRICT
ATTORNEYS ASSOCIATION,
Sacramento, CA, April 29, 1994.

Re opposition to the Racial Justice Act.

MARK KROTOSKI,
Special Assistant Attorney General, Sacramento, CA.

DEAR MR. KROTOSKI: I am enclosing a copy of the California District Attorneys Association's unanimous resolution opposing the Racial Justice Act.

All 58 Elected District Attorneys in the State of California believe that adoption of the Racial Justice Act will effectively destroy the death penalty. We also oppose a Racial Justice Act which would be limited to federal capital cases, since it would be easy

to extend the statute's application to the States, in the next crime bill.

We urge you to support an effort to strike this measure from the Federal Crime Bill.

Very truly yours,

GREGORY D. TOTTEN,
Executive Director.

CALIFORNIA DISTRICT ATTORNEYS ASSOCIATION—RESOLUTION ADOPTED APRIL 29, 1994

Whereas, the California District Attorneys Association is an organization composed of the elected District Attorneys of California's fifty-eight counties and 3,000 deputy district attorneys and city prosecutors;

Whereas, on April 21, 1994, the U.S. House of Representatives adopted the omnibus crime bill, H.R. 4092, which included in Title IX legislation, referred to, and known as, the Racial Justice Act (or the Racially Discriminatory Capital Sentencing Act);

Whereas, on April 20, 1994, the U.S. House of Representatives narrowly defeated the McCollum Amendment to strike the Racial Justice Act from the House crime bill and substitute in its place the Equal Justice Act. [The vote was an effective 212 to 212 tie, after the votes of the five Delegate members were excluded under recent House Rules.];

Whereas, the Racial Justice Act would, first, permit a capital case defendant to make a statistical showing that death sentences are being imposed or administered in a disproportionate manner upon (1) persons of one race or (2) as punishment for capital offenses against persons of one race, and, second, require the prosecutor to rebut this statistical showing "by a preponderance of the evidence";

Whereas, in the 102d Congress, on June 20, 1991, the U.S. Senate voted to strike a similar measure entitled the Racial Justice Act, out of the omnibus crime measure by a bipartisan vote of 55 to 41 (this was the third successive Congress in which the U.S. Senate rejected the Racial Justice Act), and on October 22, 1991, the U.S. House of Representatives voted to strike a similar measure by a bipartisan vote of 223 to 191;

Whereas, the U.S. Supreme Court rejected a discrimination claim founded solely upon statistics, in *McCleskey v. Kemp*, 481 U.S. 279 (1987).

Now, therefore, be it resolved that in light of the urgency and importance of this matter, all 58 California district attorneys, having been polled, unanimously:

(1) oppose any version of the Racial Justice Act, for the following reasons:

(a) the Racial Justice Act would result in the effective abolition of capital punishment.

This would result because of the inherent evidentiary difficulties and inevitable vast expenditures of time and money in litigation in every post-conviction capital case, to prove by at least a preponderance of the evidence a negative, to wit, that race was not the basis for any of the prosecutor's jury's, or judge's decisions. [The Racial Justice Act contains a virtually impossible rebuttal burden: "Unless [the prosecutor or State] can show that the death penalty was sought in all cases fitting the statutory criteria for imposition of the death penalty, the government cannot rely on mere assertions that it did not intend to discriminate or that the cases in which death was imposed fit the statutory criteria for imposition of the death penalty.];

(b) moreover, as to adjudicated cases, the retroactive application of the Racial Justice Act would permit convicted capital defendants to reopen their cases by presenting dis-

crimination claims (regardless of whether such claims had previously been rejected). In California, there are currently 376 individuals on death row. The retroactive provision in the Racial Justice Act as passed by the House would potentially affect these cases as well as others around the nation;

(c) the statistical premise of any version of the Racial Justice Act is unsound, for several reasons, including:

(i) it disregards the fundamental precept of our criminal justice system that an individual is tried on the facts of his or her case, not on the facts or circumstances or statistics from unrelated cases;

(ii) it overturns the U.S. Supreme Court's rejection of such a statistical premise, where the Court noted with regard to the Baldus study: "Even Professor Baldus does not contend that his statistics prove that race enters into any capital sentencing decisions or that race was a factor in McCleskey's particular case. Statistics at most may show only a likelihood that a particular factor entered into some decisions." *McCleskey v. Kemp*, 481 U.S. 279, 308 (1987) (emphasis in original); and

(iii) its statistical showing fails to establish that the imposition of capital punishment in a particular case is predicated on any bias; and

(d) the Racial Justice Act would permit the "second-guessing" of capital case decisions by prosecutors, defense counsel, judges and juries based upon the information and statistics required to be maintained under the Act;

(e) the Racial Justice Act eliminates the traditional deference to state-court findings of fact, 28 U.S.C. § 2254(d); *Sumner v. Mata*, 449 U.S. 539 (1981), if the state fails to collect or maintain adequate records required under the Act, and causes the individual conviction, though lawfully and justifiably imposed, to be unduly placed in jeopardy;

(f) the potential cost of compliance on states and local entities would be exorbitant, as demonstrated by one California case (*In re Earl Jackson*) which took three years to prepare for an evidentiary hearing and cost more than \$1,000,000. The evidentiary hearing was never held, after the *McCleskey v. Kemp* ruling was rendered;

(g) the Racial Justice Act encourages a quota system for capital punishment cases by in effect introducing "race consciousness" into capital case decisions.

(2) opposes any legislation which would undermine or otherwise modify the holding in *McCleskey v. Kemp*, 481 U.S. 279 (1987);

(3) calls upon the U.S. House of Representatives and U.S. Senate to reject any version of the Racial Justice Act as part of any package of federal habeas corpus reform or any crime bill;

(4) opposes any legislation, including the omnibus crime bill to be reported by the conference committee, which includes any version of the Racial Justice Act. Any meaningful provisions contained in the crime bill are completely undermined by inclusion of the Racial Justice Act, which is antithetical to fundamental notions under our criminal justice system. If the omnibus crime bill contains any version of the Racial Justice Act, we recommend it be voted down until this legislation is removed.

Be it further resolved by the California District Attorneys Association that its Executive Director shall transmit a copy of this resolution to the U.S. Senators and Representatives in the California delegation and to members of the Senate and House Committees on the Judiciary.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER REPORTING REFORM ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. BOND. Mr. President, I apologize to my cosponsor and to my colleagues. I am a victim of travel problems on Monday. My flight was canceled; thus, my delayed arrival. I apologize for delaying the work of the Senate.

But speaking of delays, Mr. President, this is a matter that has been delayed far too long. We have been trying to get legislation enacted which will provide for reforms in the Fair Credit Reporting Act. And today I think we are very close to a workable compromise.

I particularly commend my colleague, Senator BRYAN, for his strong leadership on S. 783, the Consumer Reporting Reform Act of 1994, because without it, quite frankly, we would not be here today. Through his efforts, I believe we have reached a bipartisan agreement on a bill that was anything but bipartisan from the beginning. Senator BRYAN has worked tirelessly to bring competing, opposing and disparate interests together to reach a compromise. I commend him, and I congratulate him for his efforts.

I also want to express thanks to our ranking Republican member on the Banking Committee, Senator D'AMATO, for his support and willingness to make this a bipartisan effort. Again, we could not have been here today without his hard work.

Obviously, commendations are due the chairman, Senator RIEGLE, for granting this bill its day in court. I believe it is a true testament to his leadership that we have been able to reach agreement on what has, in the past, been such a contentious piece of legislation.

Some of you may know, I have been working to pass legislation to reform the FCRA for the last 4 years. I was beginning to wonder if we would see the day when it might reach the full Senate for consideration. Senator BRYAN and I, together with the cosponsorship of the chairman, introduced this legislation on April 7 of last year. A hearing was held in May, and then S. 783 passed the committee by a vote of 15 to 4 in late October.

The Fair Credit Reporting Act is ripe for revision. I have heard too many stories and I know my colleagues have

heard too many horror stories not to believe this act requires reform. The act was written long before computer technology was as sophisticated as it is today. These technological advances have meant a drastic increase in the amount of information that may be kept on each and every one of us as an individual. I think the current law simply just does not do an adequate job of protecting the consumer, the individual's rights with respect to their credit history.

For example, currently, the law only requires credit bureaus to reinvestigate within a reasonable time. It was not uncommon, and I had discussions today, which I will share with you in a minute, where it takes months, even years to get an error taken out of a credit report, to get the report cleaned up. Even if you did succeed in getting the incorrect information removed, there was nothing to prevent it from being put back on your report.

I believe that the single most important provision in this legislation is the 30-day limit on the reinvestigation procedure. If disputed information cannot be verified or is found to be inaccurate within 30 days, then it is wiped off the credit report and cannot be reinserted without a notice to the consumer. This is the cornerstone of the legislation, the most significant improvement over current law.

This should help all consumers who find out right before they close on their mortgage that there is something negative on their credit report to get the incorrect information removed promptly, and to protect themselves against significant loss of precious time and money.

One of the people I talked with today lost a home because he and his wife were unable to clear up incorrect information on their credit report that made it impossible for them to find financing for the home. It was an error, but they could not get the credit bureau to change it in time. So he lost his opportunity to purchase the house that he and his wife wanted. That is what an improper credit report can do.

I realize credit bureaus have voluntarily instituted a 30-day standard in recent years, and I congratulate them for it. But there is no provision in the law holding them to it. I do congratulate the credit bureaus for taking steps to make the system more accurate, but, again, I feel that this can best be assured for the future if legislation is passed. It was the threat of Federal legislation that has cleaned up the system, and if we do not pass legislation and the threat is removed, there is always the opportunity that the system could go back to its old ways.

Congress needs to address the concerns about accuracy in the system and the need for consumer privacy. As I said earlier, I met with some of my constituents in St. Louis this morning

to listen to their horror stories of how they had struggled, and struggled, and struggled to get mistakes off their credit reports. They have met with many of the same obstacles that millions of other consumers have faced: Months of waiting for the credit reports to be fixed, credit granters who are unresponsive, no live person to talk to who will listen to their complaints. The problems are not new. We, who have been hearing about these problems in our offices, as I am sure my colleagues have in theirs, have been trying for years to find a way to address them.

I explained to the constituents I met with this morning how this bill, S. 783, will address the problems. It traditionally has taken a long time for the credit bureaus to respond and fix credit reports. I told them this bill would require the process to be completed in 30 days.

As I said before, if the information in the report cannot be verified by the creditor who submitted it within 30 days, it would be removed from the report and it cannot be reinserted unless the consumer is notified.

I already mentioned the person who had lost a house. He is an attorney. He lost the house he wanted to purchase because he could not get his credit report cleaned up in time to get the financing to meet the deadlines under the purchase contract.

Another person who came in to talk to us today spent over 1 year and 2 months trying to get his mother's credit history off his credit report. He was not living at home; he did not have any joint accounts. He had to go to the Better Business Bureau and the State attorney general. It took him over a year to get it off.

Another one of the people who talked with me today works in the consumer finance and credit department of an automobile dealership. He is in the system and he spent 10 weeks trying to get somebody else's information, someone who had a similar name to his—his last name is Smith—off his credit report. It took him 10 weeks to get that report cleaned up. He said he could not get credit during that time.

Another woman who had a very frustrating experience spent months trying to contact the credit bureau and found that she never, in all those months, talked to anybody but an answering machine. She never was able to talk to a live human being. Those complaints go on and on, and I believe they are echoed in many places around the country.

Because consumers have complained to us that they can get no one at the credit bureaus to talk to them, this bill requires the credit bureaus to establish toll free numbers and have people—humans—available for consumers to talk to about their reports.

When consumers are turned down for credit based on information in the re-

port, under current law, they are entitled to a free copy of their report.

Our bill provides, in addition, that consumers shall receive a summary of their rights and, upon completion of the reinvestigation, another free copy of the report so they can check to make sure it has been fixed. Also, the consumer can get another free copy during the next year to make sure the mistake does not reappear.

One gentleman who showed up at the meeting today, whom we had not talked to before, spent a very frustrating several weeks getting his report cleaned up. They proudly showed him the copy of the report that had been cleaned up. They had taken off the previous misinformation about somebody with a name the same as his but with a different Social Security number, and they had added a major new credit mistake—the same person, different Social Security number, same name. They presented him the cleaned up copy of the report, but it had the new bogey with bad consumer information.

These are the kinds of problems we can address through this measure. I think we are very close to developing a compromise. Senator BRYAN and I are working on a managers' amendment.

There are some other problems that have been raised about the bill. I believe we can continue to work on this delicate balancing act. We have listened to reasonable concerns on all sides, and I think, with the compromise, we perhaps can improve it some. But this basic structure is a measure that we can and should pass so that consumers in America today will not face the problem of being unable to get credit to buy a car, to buy a home, to finance their other activities because somebody who may have a similar name, may not even have a similar name, has a bad credit history that is placed on their report.

Mr. President, I look forward to working on this measure tomorrow. I believe the Senator from Nevada has some matters in wrap-up. Is that correct?

Mr. BRYAN. The Senator from Missouri is correct.

If I might, Mr. President, I say to my colleague from Missouri, in his absence I noted his steadfast support and his diligence over many, many years in bringing this piece of legislation to the floor.

I would just like to say in his presence that we would not be where we are today had it not been for his leadership as well in the bipartisan working effort that he and I have put together with some of our other colleagues and his staff, and I salute the Senator from Missouri for his commitment. Just as he experienced in St. Louis, every Member of this body will hear from constituents who have problems similar to that which the constituent of the Senator from Missouri shared with him

this morning and as I have shared previously in my opening statement.

MORNING BUSINESS

Mr. BOND. Mr. President, I do not believe there are any other colleagues who seek recognition.

At this point, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for a period not to exceed 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. Will the Senator from Nevada permit the Chair to make an announcement?

Mr. BRYAN. The Senator from Nevada will yield to the Chair.

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 103-227, appoints the Senator from New Mexico [Mr. BINGAMAN] as a member of the National Education Goals panel.

The Senator from Nevada is recognized.

MEASURE INDEFINITELY POSTPONED

Mr. BRYAN. Mr. President, I ask unanimous consent that Calendar No. 288, S. 297, be indefinitely postponed.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. No objection.

The PRESIDING OFFICER. The Chair hears none, and it is so ordered.

NATIONAL WALKING WEEK

CLASSICAL MUSIC MONTH

Mr. BRYAN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged en bloc from consideration of the following joint resolutions: Senate Joint Resolution 146, designating "National Walking Week," and House Joint Resolution 239, designating "Classical Music Month"; that the Senate then proceed en bloc to their immediate consideration; that the joint resolutions be deemed read three times, passed, and the motions to reconsider laid on the table; that the preambles thereto be agreed to en bloc. Further, that the consideration of these items appear individually in the RECORD, and any statements relating thereto be inserted in the RECORD at the appropriate place.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. No objection.

The PRESIDING OFFICER. The Chair hears none, and the resolutions are passed.

So the joint resolutions (S.J. Res. 146 and H.J. Res. 239) were deemed read three times and passed.

The preambles were agreed to.
The joint resolution (S.J. Res. 146) with its preamble, is as follows:

S.J. RES. 146

Whereas medical authorities have established that walking—

(1) powerfully protects against high blood pressure, cholesterol problems, and other factors that can contribute to heart disease;

(2) protects against adult onset (Type II) diabetes;

(3) builds strong bones and protects against osteoporosis, the weak-bone disease that afflicts millions of older women;

(4) probably offers protection against several forms of cancer that are believed to be preventable through regular and moderate exercise; and

(5) is a safe and dependable way for millions of overweight people to lose weight without stringent dieting;

Whereas the failure to exercise regularly, such as walking, has been identified as the single greatest risk factor for heart disease;

Whereas the designation of "National Walking Week" will help promote the issue of pedestrian access and safety;

Whereas areas of America are becoming inaccessible or unsafe for walkers, so the benefits of this activity are being blocked;

Whereas people should be able to walk anywhere in their community, within reason; and

Whereas walking encourages community spirit and safety: Now, therefore, be it
Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1, 1994, through May 7, 1994, is designated as "National Walking Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of January 5, 1993, the Secretary of the Senate, on April 29, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the Speaker has signed the following bill:

H.R. 2333. An act to authorize appropriations for the Department of State, the United States Information Agency, and related agencies, and for other purposes.

The message also announced that the House agrees to the following concurrent resolution, without amendment:

S. Con. Res. 67. Concurrent resolution to correct technical errors in the enrollment of the bill, H.R. 2333.

The message further announced that the House agrees to the report of the committee on conference of the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2333) to authorize appropriations for the Department of State, the United States Information Agency, and related agencies, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 1636. An act to authorize appropriations for the Marine Mammal Protection Act of 1972 and to improve the program to reduce the incidental taking of marine mammals during the course of commercial fishing operations, and for other purposes.

S. 1930. An act to amend the Consolidated Farm and Rural Development Act to improve the administration of claims and obligations and of the Farmers Home Administration, and for other purposes.

H.R. 2333. An act to authorize appropriations for the Department of State, the United States Information Agency, and related agencies, and for other purposes.

S.J. Res. 143. Joint resolution providing for the appointment of Frank Anderson Shrontz as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 144. Joint resolution providing for the appointment of Manuel Luis Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution.

The enrolled bills and joint resolutions were subsequently signed by the President pro tempore [Mr. BYRD].

REPORTS OF COMMITTEE SUBMITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of January 5, 1993, the following report was submitted on April 29, 1994, during the adjournment of the Senate:

By Mr. GLENN, from the Committee on Governmental Affairs:

Report to accompany the bill (S. 1935) to prohibit lobbyists and their clients from providing to legislative branch officials certain gifts, meals, entertainment, reimbursements, or loans and to place limits on and require disclosure by lobbyists of certain expenditures (Rpt. 103-255).

MESSAGES FROM THE PRESIDENT

REVISED DEFERRAL OF BUDGET AUTHORITY FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES—MESSAGE FROM THE PRESIDENT—PM 105

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee Appropriations, the Committee on the Budget, and the Committee on Finance.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one revised deferral of budget authority, totaling \$7.3 million.

The deferral affects the Department of Health and Human Services. The details of the revised deferral is contained in the attached report.

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 2, 1994.

MESSAGES FROM THE HOUSE

At 3:38 p.m., a message from the House of Representatives delivered by Mrs. Goetz, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 1727) to establish a program of grants to States for arson research, prevention, and control and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the bill (S. 2000) to authorize appropriations for fiscal years 1995 through 1998 to carry out the Head Start Act, the Community Services Block Grant Act, and for other purposes; with an amendment; it insists upon its amendment to the bill, requests a conference with the Senate thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Education and Labor, for consideration of the Senate bill, and the House amendments, and modifications committed to conference: Mr. FORD of Michigan, Mr. MARTINEZ, Mr. KILDEE, Mr. OWENS, Mr. ANDREWS of New Jersey, Mr. SCOTT, Ms. WOOLSEY, Mr. ROMERO-BARCELÓ, Mr. BAESLER, Mr. GOODLING, Ms. MOLINARI, Mr. BARRETT of Nebraska, Mr. MILLER of Florida, and Mr. CASTLE.

As additional conferees from the Committee on Energy and Commerce, for consideration of title III of the Senate bill, and title III of the House amendments, and modifications committed to conference: Mr. DINGELL, Mr. SHARP, Mr. MARKEY, Mr. LEHMAN, Mr. KREIDLER, Mr. MOORHEAD, Mr. BILIRAKIS, and Mr. HASTERT.

The message further announced that the House has passed the following bills and joint resolution in which it requests the concurrence of the Senate:

H.R. 3221. An act to provide for the adjudication of certain claims against the Government of Iraq.

H.R. 4013. An act to amend title 38, United States Code, to provide the Secretary of Veterans Affairs with necessary flexibility in staffing the Veterans Health Administration.

H.R. 4204. An act to designate the federal building located at 711 Washington Street in Boston, Massachusetts, as the "Jean Mayer Human Nutrition Research Center on Aging."

H.J. Res. 360. Joint resolution to designate the week of April 25, 1994, to May 1, 1994, as "Let's Stop Kids Killing Kids Week."

The message also announced that the House agrees to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 237. Concurrent resolution authorizing the use of the Capitol grounds for the 13th annual National Peace Officers' Memorial Service.

MEASURES REFERRED

The following bill and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3221. An act to provide for the adjudication of certain claims against the Government of Iraq; to the Committee on Foreign Relations.

H.J. Res. 360. Concurrent resolution to designate the week of April 25, 1994, to May 1, 1994, as "Let's Stop Kids Killing Kids Week"; to the Committee on the Judiciary.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on April 29, 1994, during the recess of the Senate, she had presented to the President of the United States the following enrolled bills and joint resolutions:

S. 1636. An act to authorize appropriations for the Marine Mammal Protection Act of 1972 and to improve the program to reduce the incidental taking of marine mammals during the course of commercial fishing operations, and for other purposes.

S. 1930. An act to amend the Consolidated Farm and Rural Development Act to improve the administration of claims and obligations of the Farmers Home Administration, and for other purposes.

S. 2005. An act to make certain technical corrections, and for other purposes.

S.J. Res. 143. Joint resolution providing for the appointment of Frank Anderson Shrontz as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 144. Joint resolution providing for the appointment of Manuel Luis Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 150. Joint resolution to designate the week of May 2 through May 8, 1994, as "Public Service Recognition Week."

EXECUTIVE REPORTS OF COMMITTEE

Under the authority of the order of the Senate of April 26, 1994, the following executive reports of committees were submitted:

By Mr. BUMPERS, from the Committee on Small Business:

Jere Walton Glover, of Maryland, to be Chief Counsel for Advocacy, Small Business Administration.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DECONCINI (for himself and Mr. WARNER) (by request):

S. 2056. A bill to amend the National Security Act of 1947 to improve the counterintelligence and security posture of the United

States, and for other purposes; to the Select Committee on Intelligence.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DECONCINI (for himself and Mr. WARNER) (by request):

S. 2056. A bill to amend the National Security Act of 1947 to improve the counterintelligence and security posture of the United States, and for other purposes; to the Select Committee on Intelligence.

COUNTERINTELLIGENCE AND SECURITY ENHANCEMENTS ACT OF 1994

Mr. DECONCINI. Madam President, Senator WARNER and I are today introducing on request a bill developed by the Clinton administration to improve the counterintelligence and security posture of the Government.

Since the bill was only provided to us this past weekend, we have not had an opportunity to analyze it thoroughly. It does, however, address a number of shortcomings apparent in the existing system and appears worthy of serious consideration by the Senate. Inasmuch as the Select Committee on Intelligence will hold a public hearing tomorrow morning on counterintelligence legislation, we are introducing the administration bill today in order that it will be formally before the committee.

Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD immediately following the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2056

Be it enacted by the Senate and House of Representatives of the United States of America assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Counterintelligence and Security Enhancements Act of 1994".

SEC. 2. AMENDMENT TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by inserting at the end thereof the following new title:

TITLE VIII—ACCESS TO CLASSIFIED INFORMATION

Sec. 801. The provisions of this title shall not apply to the President and Vice President, Members of the Congress, Justices of the Supreme Court, and Federal judges appointed by the President.

Sec. 802. The President shall, within 180 days of enactment of this title, direct the issuance of a regulation to govern access to classified information which shall be binding upon all departments, agencies, and offices of the Executive branch.

Sec. 803. Except as may be provided for in the regulation issued under Section 802 of this title, no person shall be given access to classified information, after the effective date of this title, by any department, agency, or office of the Executive branch unless, based upon an appropriate background investigation, such access is determined to be clearly consistent with the interests of national security.

REQUEST BY AUTHORIZED INVESTIGATIVE AGENCIES

SEC. 804. (a)(1) Any authorized investigative agency may request from any financial agency, financial institution, or holding company, as defined in section 5312 of the Currency and Foreign Transactions Reporting Act (31 U.S.C. 5312, as amended) or section 1101 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401), or from any consumer credit reporting agency, as defined in section 603 of the Consumer Credit Protection Act (15 U.S.C. 1681a), such financial records, other financial information, and consumer reports as are necessary in order to conduct any authorized law enforcement investigation, counterintelligence inquiry, or security determination. Any authorized investigative agency may also request records maintained by any commercial entity within the United States pertaining to travel by a person outside the United States.

(2) Requests may be made under this section where—

(A) the records sought pertain to a person who is or was an employee required by the President in an Executive order, as a condition of access to classified information, to provide consent, during a background investigation and for such time as access to the information is maintained, and for not more than five years thereafter, permitting access to financial records, other financial information, consumer reports, and travel records; and

(B) There is information or allegations indicating that the person is, or may be, disclosing classified information in an unauthorized manner to a foreign power or agent of a foreign power, or an issue of otherwise unexplained affluence or excessive indebtedness arises in the course of any background investigation or reinvestigation.

(3) Each such request—

(A) shall be accompanied by a written certification signed by the department or agency head or deputy department or agency head concerned and shall certify that—

(i) the person concerned is or was an employee within the meaning of subparagraph (2)(A) above;

(ii) the request is being made pursuant to an authorized inquiry or investigation and is authorized under this section; and

(iii) the records or information to be reviewed are records or information which the employee has previously agreed to make available to the authorized investigative agency for review;

(B) shall contain a copy of the agreement referred to in subparagraph (A)(iii);

(C) shall identify specifically or by category the records or information to be reviewed; and

(D) shall inform the recipient of the request of the prohibition described in subsection (b).

(b) Notwithstanding any other provision of law, no governmental or private entity, or officer, employee, or agent of such entity, may disclose to any person, other than those officers, employees, or agents of such entity necessary to satisfy a request made under this section, that such entity has received or satisfied a request made by an authorized investigative agency under this section.

(c)(1) Notwithstanding any other provision of law except section 6103 of title 26, United States Code, an entity receiving a request for records or information under subsection (a) shall, if the request satisfies the requirements of this section, make available such records or information within 30 days for inspection or copying, as may be appropriate,

by the agency requesting such records or information.

(2) Any entity (including any officer, employee or agent thereof) that discloses records or information for inspection or copying pursuant to this section in good faith reliance upon the certifications made by any agency pursuant to this section shall not be liable for any such disclosure to any person under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.

(d) Subject to the availability of appropriations therefor, any agency requesting records or information under this section may reimburse a private entity for any cost reasonably incurred by such entity in responding to such request, including the cost of identifying, reproducing, or transporting records or other data.

(c) An agency receiving records or information pursuant to a request under this section may disseminate the records or information obtained pursuant to such request outside the agency only to the agency employing the employee who is the subject of the records or information, to the Department of Justice for law enforcement or counterintelligence purposes, or, with respect to dissemination to an agency of the United States, only if such information is clearly relevant to the authorized responsibilities of such agency.

(f) Nothing in this section shall affect the authority of an investigative agency to obtain information pursuant to the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

DEFINITIONS

SEC. 805. For purposes of this title—

(a) the phrase "classified information" means any information that has been determined pursuant to Executive Order No. 12356 of April 2, 1982, or successor orders, or the Atomic Energy Act of 1954, to require protection against unauthorized disclosure and that is so designated;

(b) the term "employee" includes any person who receives a salary or compensation of any kind from the United States Government, is a contractor of the United States Government or an employee thereof, is an unpaid consultant of the United States Government, or otherwise acts for or on behalf of the United States Government;

(c) the term "authorized investigative agency" means an agency authorized by law or regulation to conduct counterintelligence investigation or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information;

(d) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

EFFECTIVE DATE

SEC. 806. This title shall take effect 180 days after the date of its enactment.

SEC. 3. DISCLOSURE OF CONSUMER CREDIT REPORTS FOR COUNTERINTELLIGENCE PURPOSES.

Section 608 of the Fair Credit Reporting Act (15 U.S.C. 1681f) is amended—

(1) by striking "Notwithstanding" and inserting "(a) DISCLOSURE OF CERTAIN IDENTIFYING INFORMATION.—Notwithstanding"; and

(2) by adding at the end the following new subsection: "(b) DISCLOSURES TO THE FBI FOR COUNTERINTELLIGENCE PURPOSES.—

"(1) CONSUMER REPORTS.—Notwithstanding the provisions of section 604, a consumer reporting agency shall furnish a consumer report to the Federal Bureau of Investigation when presented with a written request for a consumer report, signed by the Director or Deputy Director of the Federal Bureau of Investigation who certifies compliance with this subsection. The Director or Deputy Director may make such a certification only if he has determined in writing that—

"(A) such records are necessary for the conduct of an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that the consumer whose consumer report is sought is a foreign power or an agent of a foreign power, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

"(2) IDENTIFYING INFORMATION.—Notwithstanding the provisions of section 604, a consumer reporting agency shall furnish identifying information respecting a consumer, limited to name, address, former addresses, places of employment, or former places of employment, to the Federal Bureau of Investigation when presented with a written request, signed by the Director or Deputy Director, which certifies compliance with this subsection. The Director or Deputy Director may make such certification only if the Director or Deputy Director has determined in writing that—

"(A) such information is necessary to the conduct of an authorized foreign counterintelligence investigation; and

"(B) there is information giving reason to believe that the consumer has been, or is about to be, in contact with a foreign power or an agent of a foreign power, as so defined.

"(3) CONFIDENTIALITY.—No consumer reporting agency or officer, employee, or agent of such consumer reporting agency may disclose to any person, other than those officers, employees, or agents of such agency necessary to fulfill the requirement to disclose information to the Federal Bureau of Investigation under this subsection, that the Federal Bureau of Investigation has sought or obtained a consumer report or identifying information respecting any consumer under paragraph (1) or (2), nor shall such agency, officer, employee, or agent include in any consumer report any information that would indicate that the Federal Bureau of Investigation has sought or obtained such a consumer report or identifying information.

"(4) PAYMENT OF FEES.—The Federal Bureau of Investigation may, subject to the availability of appropriations, pay to the consumer reporting agency assembling or providing credit reports or identifying information in accordance with this title, a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching, reproducing, or transporting books, papers, records, or other data required or requested to be produced under this subsection.

"(5) LIMIT ON DISSEMINATION.—The Federal Bureau of Investigation may not disseminate information obtained pursuant to this subsection outside of the Federal Bureau of Investigation, except to the Department of Justice or as may be necessary for the conduct of a foreign counterintelligence investigation.

"(6) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit information from being furnished by the Federal Bureau of Investigation pursuant to a subpoena or court order, or in connection

with a judicial or administrative proceeding to enforce the provisions of this Act. Nothing in this subsection shall be construed to authorize or permit the withholding of information from Congress.

"(7) REPORTS TO CONGRESS.—On an annual basis, the Attorney General of the United States shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate concerning all requests made pursuant to paragraphs (1) and (2).

"(8) DAMAGES.—Any agency or department of the United States obtaining or disclosing credit reports, records, or information contained therein in violation of this subsection is liable to the consumer to whom such records relate in an amount equal to the sum of—

"(A) \$100, without regard to the volume of records involved;

"(B) any actual damages sustained by the consumer as a result of the disclosure;

"(C) if the violation is found to have been willful or intentional, such punitive damages as a court may allow; and

"(D) in the case of any successful action to enforce liability under this subsection, the costs of the action, together with reasonable attorneys fees, as determined by the court.

"(9) GOOD FAITH EXCEPTION.—Any credit reporting agency or agent or employee thereof making disclosure of credit reports or identifying information pursuant to this subsection in good faith reliance upon a certificate of the Federal Bureau of Investigation pursuant to this subsection shall not be liable to any person for such disclosure under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State. As used in this subsection, the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

"(10) LIMITATION OF REMEDIES.—The remedies set forth in this subsection shall be the only judicial remedies for violation of this subsection.

"(11) INJUNCTIVE RELIEF.—In addition to any other remedy contained in this subsection, injunctive relief shall be available to require compliance with the procedures of this subsection. In the event of any successful action under this subsection, costs of the action, together with reasonable attorneys fees, as determined by the court, may be recovered."

SEC. 4. REWARDS FOR INFORMATION CONCERNING ESPIONAGE.

(a) REWARDS.—Section 3071 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "With respect to"; and

(2) by adding at the end the following new subsection:

"(b) With respect to acts of espionage involving or directed at the United States, the Attorney General may reward any individual who furnishes information—

"(1) leading to the arrest or conviction, in any country, of any individual or individuals for commission of an act of espionage against the United States;

"(2) leading to the arrest or conviction, in any country, of any individual or individuals for conspiring or attempting to commit an act of espionage against the United States; or

"(3) leading to the prevention or frustration of an act of espionage against the United States."

(b) DEFINITIONS.—Section 3077 of such title is amended by inserting at the end thereof the following new paragraph:

"(8) 'act of espionage' means an activity that is a violation of—

"(A) section 793, 794 or 798 of title 18, United States Code;

"(B) section 783(b) of title 50, United States Code; or

"(C) section 4 of the Subversive Activities Control Act of 1950 (50 U.S.C. 783)."

(c) CLERICAL AMENDMENTS.—The items relating to chapter 204 in the table of chapters at the beginning of such title, and in the table of chapters at the beginning of part II of such title, are each amended by adding at the end the following: "and espionage."

SEC. 5. ESPIONAGE NOT COMMITTED IN ANY DISTRICT.

(a) IN GENERAL.—Chapter 211 of title 18, United States Code, is amended by inserting after section 3238 the following new section:

"§3239. Espionage and related offenses not committed in any district

"The trial for any offense involving a violation of—

"(1) section 793, 794, 798, 952, or 1030(a)(1) of this title;

"(2) section 601 of the National Security Act of 1947 (50 U.S.C. 421); or

"(3) subsection (b) or (c) of section 4 of the Subversive Activities Control Act of 1950 (50 U.S.C. 783 (b) or (c)), begun or committed upon the high seas or elsewhere out of the jurisdiction of any particular State or district, may be in the District of Columbia or in any other district authorized by law."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 211 of such title is amended by inserting after the item relating to section 3238 the following:

"3239. Jurisdiction of espionage outside the United States and related offenses."

SEC. 6. CRIMINAL FORFEITURE FOR VIOLATION OF CERTAIN ESPIONAGE LAWS.

(a) Section 798 of title 18, United States Code, is amended by adding at the end the following new subsections:

"(d)(1) Any person convicted of a violation of this section shall forfeit to the United States irrespective of any provision of State law—

"(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

"(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

"(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1).

"(3) Except as provided in paragraph (4), the provisions of subsections (b), (c), and (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853 (b), (c), and (e)-(p)) shall apply to—

"(A) property subject to forfeiture under this subsection;

"(B) any seizure or disposition of such property; and

"(C) any administrative or judicial proceeding in relation to such property, if not inconsistent with this subsection.

"(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C.

10601) all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law."

"(c) As used in subsection (d) of this section, the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States."

"(b) AMENDMENTS FOR CONSISTENCY IN APPLICATION OF FORFEITURE UNDER TITLE 18.—

(1) Section 793(h)(3) of such title is amended in the matter above subparagraph (A) by striking out "(o)" each place it appears and inserting in lieu thereof "(p)".

"(2) Section 794(d)(3) of such title is amended in the matter above subparagraph (A) by striking out "(o)" each place it appears and inserting in lieu thereof "(p)".

"(c) SUBVERSIVE ACTIVITIES CONTROL ACT.—Section 4 of the Subversive Activities Control Act of 1950 (50 U.S.C. 783) is amended by adding at the end the following new subsection:

"(g)(1) Any person convicted of a violation of this section shall forfeit to the United States irrespective of any provision of State law—

"(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

"(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

"(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1).

"(3) Except as provided in paragraph (4), the provisions of subsections (b), (c), and (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853 (b), (c), and (e)-(p)) shall apply to—

"(A) property subject to forfeiture under this subsection;

"(B) any seizure or disposition of such property; and

"(C) any administrative or judicial proceeding in relation to such property, if not inconsistent with this subsection.

"(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law."

SEC. 7. DENIAL OF ANNUITIES OR RETIRED PAY TO PERSONS CONVICTED OF ESPIONAGE IN FOREIGN COURTS INVOLVING UNITED STATES INFORMATION.

Section 8312 of title 5, United States Code, is amended by adding at the end thereof the following new section—

"(d) For purposes of subsections (b)(1) and (c)(1), an offense within the meaning of such subsections is established if the Attorney General certifies to the agency administering the annuity or retired pay concerned—

"(1) that an individual subject to this chapter has been convicted by an impartial court of appropriate jurisdiction within a foreign country in circumstances in which the conduct violates the provisions of law enumerated in subsections (b)(1) and (c)(1), or would violate such provisions had such conduct taken place within the United States, and that such conviction is not being appealed or that final action has been taken on such appeal;

"(2) that such conviction was obtained in accordance with procedures that provided the defendant due process rights comparable to such rights provided by the United States Constitution, and such conviction was based upon evidence which would have been admissible in the courts of the United States; and

"(3) that such conviction occurred after the date of enactment of this subsection."

Mr. WARNER. Madam President, I am pleased to join with the chairman of the Senate Intelligence Committee, Senator DECONCINI, in introducing, on the request of the President and the administration, a legislative proposal to improve the counterintelligence and security posture of the United States.

This proposal is a result of a month-long interagency review of counterintelligence requirements in the wake of the tragic consequences of the Ames case. Since the arrest of Aldrich Ames in February, various Senators have introduced four pieces of legislation which seek to correct some of the problems revealed by the Ames case. On March 17, Chairman DECONCINI and I introduced S. 1948, the Counterintelligence and Security Enhancement Act of 1994.

Senator BOREN and Senator COHEN, likewise, have introduced legislation, they being the former chairman and vice chairman respectively, of the Senate Intelligence Committee, and Senators who through many years here have given very, very valuable attention and work on behalf of not only the committee but the Senate as a whole in matters of intelligence.

These counterintelligence bills will be the subject of an open hearing. That is all three of them: The President's bill, which I am now introducing; the DeConcini-Warner bill; and legislation Senators BOREN and COHEN have introduced. They will all be the subject of an open hearing conducted by the Select Committee on Intelligence at 10 o'clock.

At that hearing, the committee will receive testimony from Government witnesses and outside experts on the implications of the various legislative proposals currently pending before the committee.

A common theme in all of this legislation is the focus on the financial activities of employees in the intelligence community. As has become all too clear, the motivation for modern day "turncoats" is no longer ideology as it was in the 1940's and the 1950's. Today, the dirty dollar is what causes people to sell this Nation's most valuable secrets to its adversaries and imperil our own national security.

These three pieces of legislation begin to look at what we try to do in maintaining a balance between individual rights and the Nation's security interests. Each legislation looks at varying degrees to which these employees will have to, by their own consent, accept an invasion into their privacy, as well as the privacy of their families, in

order for appropriate checks to be made in a timely fashion on their lifestyle to determine whether or not there is any evidence to question their activities.

The administration's proposal is focused on the financial records of employees with access to classified information. However, from an initial study of this proposal, it appears to be more limited than the DeConcini-Warner bill. For example, it is not clear from the legislation which categories of employees with access to classified information would be required to provide further written consent for Government access to their financial and travel records. In addition, it is not clear that there is any requirement for the filing of financial disclosure reports, as is called for in our legislation. Nor is there any provision which provides the FBI with access to employees' tax records.

One area of critical importance, which the administration's legislative proposal fails to address, is the relationship between the CIA and the FBI concerning the conduct of counterintelligence investigations. Chairman DECONCINI and I have spent a considerable amount of time on this issue of late. Since the Ames case broke, we have been hearing tales of long-standing disagreement and conflict between these two agencies in this area. It is my understanding that the administration will attempt to mediate the dispute between the FBI and the CIA through Executive order.

Such an administrative approach alone may not be acceptable to the senior members of the Intelligence Committee.

At the present time, it is the position of the senior members of both the Senate and the House to legislate on this matter. So whether it eventually is acceptable remains to be seen. I know Chairman DECONCINI shares my belief that legislation is necessary to solve the problems between the FBI and the CIA in the area of counterintelligence. Executive orders and memoranda of understanding have not worked, in our judgment, in the past. Without legislation, an administrative solution will be far too dependent on the personalities of the individuals in charge of the FBI and CIA at whatever time in the future such disputes may arise.

In other words, a solution which is simply an executive branch order would be subject to the cooperation between the individuals who are occupying those important positions and what their personal and professional relationship at that time may be.

Overall, the administration appears to have taken a cautious approach to the problem, an approach which stops short, in the judgment of many, of the various legislative proposals currently before the Senate. I am hopeful that testimony from the administration

witnesses at the hearing tomorrow will clarify the reason for this approach, which is quite different from that which we have thus far taken in our committee structure.

I might add, as a concluding paragraph to my remarks, that I have worked many, many years with Director Woolsey at the CIA. Our relationship started as far back as when he became counsel to the Senate Armed Services Committee. Since that time, he has had many—and I underline many—distinguished and important public service posts. I have worked with him on arms control matters when he was in Geneva and I have a very, very high regard, professionally and personally, for the current Director of the Central Intelligence Agency.

We have our differences on some of the approaches here; primarily, regarding whether or not the relationship between the FBI and CIA should be subject to legislation or left to reconciliation through Executive orders. There have, however, been many constructive exchanges between the two of us on numerous items of national security interest. I, frankly, commend him for the manner in which he handled this difficult assignment and this tragic and wholly unexpected case involving the Ames matter.

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. DECONCINI, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 762

At the request of Mr. PRYOR, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 762, a bill to amend the Internal Revenue Code of 1986 to simplify the pension laws, and for other purposes.

S. 774

At the request of Mr. WOFFORD, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 774, a bill to authorize appropriations for the Martin Luther King, Jr. Federal Holiday Commission, extend such Commission, establish a national Service Day to promote community service, and for other purposes.

S. 978

At the request of Mr. BAUCUS, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 978, a bill to establish programs to promote environmental technology, and for other purposes.

S. 1083

At the request of Mr. ROCKEFELLER, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a

cosponsor of S. 1083, a bill to amend the Internal Revenue Code of 1986 to provide that veterans' allowances and benefits administered by the Secretary of Veterans Affairs are not included in gross income.

S. 1450

At the request of Mrs. FEINSTEIN, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Louisiana [Mr. BREAU] were added as cosponsors of S. 1450, a bill respecting the relationship between the workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act.

S. 1690

At the request of Mr. PRYOR, the names of the Senator from Vermont [Mr. LEAHY] and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 1690, a bill to amend the Internal Revenue Code of 1986 to reform the rules regarding subchapter S corporations.

S. 1729

At the request of Mr. DOMENICI, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1729, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 Federal income tax rate increases on trusts established for the benefit of individuals with disabilities or for college education costs of a beneficiary.

S. 1842

At the request of Mr. CAMPBELL, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of S. 1842, a bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a motorcycle safety program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety and passenger vehicle safety laws, and for other purposes.

S. 1904

At the request of Mr. ROCKEFELLER, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1904, a bill to amend title 38, United States Code, to improve the organization and procedures of the Board of Veterans' Appeals.

S. 1908

At the request of Mr. ROCKEFELLER, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1908, a bill to provide for a study of the processes and procedures of the Department of Veterans Affairs for the disposition of claims for veterans' benefits.

S. 1920

At the request of Mr. DOMENICI, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1920, a bill to amend title XIV of the

Public Health Service Act (commonly known as the "Safe Drinking Water Act") to ensure the safety of public water systems, and for other purposes.

S. 1924

At the request of Mr. HATCH, the names of the Senator from Nebraska [Mr. KERREY] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 1924, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 1927

At the request of Mr. ROCKEFELLER, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 1927, a bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 1928

At the request of Mr. WELLSTONE, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1928, a bill to require the availability of adequate waste emplacement capacity for the future licensing of construction and operation of nuclear utilization facilities, and for other purposes.

S. 1948

At the request of Mr. DECONCINI, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1948, a bill to amend the National Security Act of 1947 to improve the counterintelligence and security posture of the U.S. intelligence community and to enhance the investigative authority of the Federal Bureau of Investigation in counterintelligence matters, and for other purposes.

S. 1964

At the request of Mr. METZENBAUM, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 1964, a bill entitled the Reemployment and Retraining Act.

S. 1969

At the request of Mr. METZENBAUM, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1969, a bill to amend the Worker Adjustment and Retraining Notification Act to minimize the adverse effects of employment dislocation, and for other purposes.

S. 1994

At the request of Mr. SMITH, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1994, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to make comprehensive improvements in provisions relating to liability, State implementation, remedy se-

lection, and funding, and for other purposes.

S. 2007

At the request of Mr. WOFFORD, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 2007, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the end of World War II and General George C. Marshall's service therein.

SENATE JOINT RESOLUTION 146

At the request of Mr. WOFFORD, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from New Mexico [Mr. DOMENICI], the Senator from Maryland [Ms. MIKULSKI], the Senator from Kansas [Mr. DOLE], the Senator from Connecticut [Mr. DODD], the Senator from Maine [Mr. MITCHELL], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of Senate Joint Resolution 146, a joint resolution designating May 1, 1994, through May 7, 1994, as "National Walking Week."

SENATE JOINT RESOLUTION 165

At the request of Mr. COCHRAN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Joint Resolution 165, a joint resolution to designate the month of September 1994 as "National Sewing Month."

SENATE JOINT RESOLUTION 166

At the request of Mr. SPECTER, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of Senate Joint Resolution 166, a joint resolution to designate the week of May 29, 1994, through June 4, 1994, as "Pediatric and Adolescent AIDS Awareness Week."

SENATE JOINT RESOLUTION 168

At the request of Mr. ROBB, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from New Hampshire [Mr. SMITH], the Senator from Nebraska [Mr. KERREY], the Senator from New Jersey [Mr. BRADLEY], the Senator from Nevada [Mr. REID], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from California [Mrs. BOXER], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 168, a joint resolution designating May 11, 1994, as "Vietnam Human Rights Day."

SENATE JOINT RESOLUTION 176

At the request of Mr. PRYOR, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from South Carolina [Mr. HOLLINGS], the Senator from South Carolina [Mr. THURMOND], the Senator from Arizona [Mr. DECONCINI], the Senator from Montana [Mr. BURNS], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Mississippi

[Mr. COCHRAN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Kansas [Mr. DOLE], the Senator from Rhode Island [Mr. PELL], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of Senate Joint Resolution 176, a joint resolution to designate the month of May 1994 as "Older Americans Month."

SENATE JOINT RESOLUTION 178

At the request of Mr. NUNN, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of Senate Joint Resolution 178, a joint resolution to proclaim the week of October 16 through October 22, 1994 as "National Character Counts Week."

ADDITIONAL STATEMENTS

TRIBUTE TO HONOREES OF FIRST OCCUPATIONAL CENTER OF NEW JERSEY 40TH ANNIVERSARY AWARD

• Mr. LAUTENBERG. Mr. President, I rise today to call attention to four outstanding New Jerseyans, who are being honored by the First Occupational Center of New Jersey. Ace Alagna, Allen J. Kasden, James Lukaszewicz, and William J. Marino have all been exceptional citizens who have made significant contributions to their community.

The First Occupational Center of New Jersey is dedicated to helping individuals and their families who are challenged by disabilities or social economic conditions. The center assists these people by providing them with training to help them reach their full vocational potential. These people then go on to become productive members of their communities.

Ace Alagna has been chosen as a recipient of the 40th Anniversary Award for his outstanding commitment to helping his fellow humans. He has been instrumental in raising money for children in Italy who were victims of earthquakes, as well as bringing much-needed medical assistance to the Polish people. He has been recognized many times for his dedication and commitment to improving the lives of others.

James Lukaszewicz, as plant manager of Anheuser-Busch's Newark, NJ, brewery, has been responsible for overseeing the jobs of thousands of workers. As a soldier in Vietnam, he served in a leadership role for his country, and now as a business leader he is bringing jobs to his community. He is being recognized for these vital contributions to his country.

Allen J. Kasden is president of Crow Construction Co., and has over 20 years of experience in the construction business. His leadership role in the construction field has given him extensive

experience and he has proven himself as exceptional, as well as dedicated to helping others in the construction business.

William J. Marino is currently serving as president and CEO of Blue Cross and Blue Shield of New Jersey, the State's largest health insurer. He has accrued 25 years of experience in the health as well as the employee benefits field. He has also shown a serious dedication in his tireless work for the United Way, the New Jersey Network Foundation, and St. Peter's College. Furthermore, he has also been instrumental as a member of the board of several health and insurance related institutions, such as the Kessler Institute for Rehabilitation, the New York Business Group on Health, and the New York State HMO Conference and hospital boards.

I am proud to represent such outstanding citizens who have contributed so much to helping their fellow humans. I commend them for their work and congratulate them on receiving this prestigious award.●

TRIBUTE TO BILL BAILEY—KENTUCKY RADIO LEGEND RETIRES AFTER 40 YEARS

● Mr. McCONNELL. Mr. President, I rise today to honor a Louisville and Kentucky legend. Bill Bailey, a radio personality for over 40 years, has decided to move on, retiring from his job at radio station WVLK in Lexington. Wednesday, April 20 was his last day on the air after entertaining generations of Kentuckians.

Bill Bailey got his start in North Carolina as a teenager. From there he worked in several States, including Alaska, before finally coming to Louisville in 1965. Long before America had heard of shock jocks, Bill Bailey was pushing the limits on his shows.

He was one of the first deejays to question what was considered to be normal. He spoofed local officials and politicians, earning him such descriptions as irreverent and brazen. In fact, in his early years his sometimes controversial sense of humor tended to scare some radio station program directors.

Bill Bailey's abrasive reputation did not preclude him from holding down the same time slot at Louisville's WAKY throughout the 1960's and 1970's. In fact, generations of Louisvillians, including myself, remember driving in to work and having difficulty seeing the traffic through the tears in our eyes caused by the laughter Bill Bailey's commentaries often provoked.

After 40 years of dedicated service to the profession he loves, Bill Bailey has decided to step down. After 30 years of working in the Louisville and Lexington area, those of us from Kentucky will never be able to forget him. We will remember him and we thank him for brightening our days.

Mr. President, I ask my colleagues to join me in wishing Bill Bailey a productive, happy, and healthy retirement. In addition, I ask that an article from the April 21, 1994, Lexington Herald-Leader be inserted in the RECORD at this time.

The article follows:

[From the Lexington Herald-Leader, Apr. 21, 1994]

LEXINGTON RADIO LEGEND SIGNS OFF AFTER FOUR DECADES OF STIRRING UP AIRWAVES (By Nancy Crane)

After more than four decades on the air, Bill Bailey has hung up his headphones.

Bailey, the gravelly voiced afternoon disc jockey on WVLK-AM (590), spent his last day on the air yesterday playing songs and saying goodbye to his listeners—many of whom called the studio at Kincaid Towers to say they had listened to him for 20 years.

"It's nice to be remembered that way," said Bailey, 63. "A lot of people think they're insulting me when they say 'I listened to you when I was growing up.' But they're not."

Bailey is a legend among some Kentuckians. People in their 30s, 40s and 50s remember Bailey as the "Duke of Louisville," an unpredictable and opinionated morning disc jockey who played rock 'n' roll on the now-defunct WAKY in the 1960s and 1970s.

"When I was a kid I used to listen to him," said Harold Browning, 48, an account executive at WVLK, where Bailey has worked since 1989. "To end up working at the same radio station with him is a dream come true."

Bailey started in radio as a teenager in North Carolina playing old 78s. His career took him to at least a dozen radio stations across the country—including one in Alaska—before he landed in Louisville in 1965.

Bailey's brash style—he once called police uniforms "pigskins"—attracted a large audience.

"He was the first one to push around politicians and make public officials shiver in their boots," said Terry Meiners, afternoon disc jockey on WHAS-AM (840) in Louisville, who hung around the WAKY studios as a youngster to watch Bailey work.

"Program directors were scared of Bill," said Johnny Randolph, Bailey's former boss at WAKY. "He borders on the edge . . . that scares them."

Bailey is just as irreverent in his personal life. He has been married six times and claims he can't remember the name of his second wife.

"A couple of those marriages were annulled. I was young," he said.

But Bailey is devoted to his four grown children—a son and three daughters—who live in Louisville. He said he will move there to be closer to them.

He also plans to spend a lot of time painting.

"I do have a love for painting pictures. I do landscapes, and I like oils. And I'll be happy to devote some time to that," Bailey said.

In addition to his age, Bailey says his health is a reason for his retirement.

"I have emphysema, and I am a smoker. And I suffer from hypertension . . . I certainly don't want to drop dead from a stroke on the air."

Although Bailey has no regrets about his decision to leave radio, he will miss it.

"It'll feel funny not getting up and going to the microphone every day. I've done it since I was 16."

WVLK program director Robert Lindsey says it won't be easy to replace Bailey.

"You don't really replace somebody like that," Lindsey said. "You find someone that can do the job. You're never going to find anyone who's going to be a Bill Bailey. He's unique."

While Lindsey looks for a new afternoon personality, part-timer Joe Thomas will fill the 2 p.m.-to-6 p.m. slot.

Bill Bailey not only raised a couple of generations of Kentuckians on rock 'n' roll, he influenced other disc jockeys. Here's what some of them said:

Terry Meiners, afternoon disc jockey on WHAS-AM (840), Louisville: "I pretended to be him when I was a little kid. My brothers would laugh at me. Before school, I would play 45s on our little RCA record player and I would say 'I'm Bill Bailey, and I've spilled coffee all over my pants.'"

Gary Burbank, afternoon disc jockey on WLW-AM (700), Cincinnati, voice of the syndicated "Earl Pitt's America" and former Bailey colleague at WAKY: "Earl Pitts was heavily influenced by Bill Bailey. Earl is funny and witty, and you catch yourself agreeing with him, and then you smack yourself in the face and say this can't be right. Bailey is that way. Bill Bailey is the father of Earl Pitts, and I do want child support."

Jack Pattie, morning personality, WVLK-AM (590), Lexington: "I listened to him in high school. . . . He's the greatest communicator I ever heard. He has the best handle on the language I ever heard. He just knew how to talk to people."●

THE RETIREMENT OF DEPUTY CHIEF OF INTERNATIONAL FORESTRY JEFF SIRMON

● Mr. LEAHY. Mr. President, the Forest Service honors Jeff Sirmon today as he retires from his post as the first Deputy Chief for International Forestry at the U.S. Forest Service. His 35-year career has touched elements of just about every forested landscape in our country.

I believe one could think of Jeff Sirmon as the Gifford Pinchot of international forestry—a visionary founder of a conservation program that is certain to change the way our Nation, and perhaps the international forestry community, considers forestry issues.

The International Forestry Program was authorized in the 1990 farm bill to recognize the links between domestic forest productivity and global forest health. The goal of this legislation was to address transboundary threats such as global climate change, toxic contaminants in air, water pollution, and loss of biodiversity.

In 1991, Jeff was appointed as the first Deputy Chief of International Forestry to implement the provisions of the 1990 farm bill. He developed the program in an era when people are often tempted to focus resources in our backyards and overlook the ways in which international trends reflect our experience and affect our forest productivity.

Many nations are experiencing the same natural resource issues that Vermont faced over 100 years ago. Technology is facilitating the liquidation of

forest resources and the conversion of marginal land into intensive agriculture. A quick tour of Honduras, Brazil, Papua New Guinea, or Ghana will demonstrate this disturbing trend.

If this heavy-handed management strategy was viable, Vermont would still be 70 percent agriculture and flourishing. Clearly, the strategy doesn't work—Vermont's land base has reverted to only about 25 percent agriculture today. Furthermore, during this unfortunate transition, Vermont suffered prolonged economic hardship and suffered widespread ecological loss. Jeff's International Forestry Program shares our domestic experience to help other countries avoid wholesale destruction of forests.

In addition, we know now that there are domestic benefits to sharing our expertise with developing countries. The implications of global deforestation contribute to global climate change and loss of biodiversity—issues that can affect the way we practice forestry in the United States.

In other ways we are still bearing the high costs—economic and environmental—of turning a blind eye to forest ecology beyond our borders. The American chestnut, for example, once comprised 25 percent of the eastern hardwood forests. A foreign blight has all but eliminated this species, and with it the economic advantages of a strong, fast growing, straight tree with unparalleled wood qualities. The wood was used for everything from fence rows to fine musical instruments.

The American chestnut blight has altered the Appalachian ecosystem more profoundly than any timber management technique used in the history of the region. The International Forestry Program under Jeff Sirmon's direction, in cooperation with other agencies, worked to prevent catastrophic disasters such as this one.

There are many examples of Jeff's initiatives. An ongoing United States/Russian cooperative effort on the Asian gypsy moth could save \$3.5 billion in timber revenues over the next 40 years. Collaborative efforts on industrial pollution analysis in Eastern European forests has changed the way we analyze pollution impacts on domestic forests. Resource managers from South Africa, Brazil, Canada, and the United States have developed equipment that can predict fire movement and smoke composition. The wintering habitat of neotropical bird populations that fill our forests this time of year are protected by international forestry efforts that Jeff has managed.

I want to thank Jeff Sirmon for his 35 years of leadership and service in the Forest Service and wish him well in his retirement. I am confident that his mark on international forestry will endure for many years to come.●

RETIREMENT OF SENATOR JOSEPH H. HARPER, JR.

● Mr. DODD. Mr. President, I rise today to highlight the outstanding career of State Senator Joseph H. Harper, Jr., a very dear friend and colleague from my home State of Connecticut. After dedicating 16 years of exemplary public service to the city of New Britain, the town of Berlin, and the State of Connecticut, Joe recently announced his plans to retire from the legislature this year.

Throughout his professional legislative career, Joe has earned the overwhelming support and respect of his colleagues and constituents. A former member of the State house of representatives, his vital contributions of knowledge and experience were key to the effectiveness of a number of committees, including the financial advisory, government reorganization, and legislative management committees.

Possessing an extraordinary knowledge of the inner workings and complexities of State government, Joe has also demonstrated a consummate ability to build consensus through skilled negotiation. His strong leadership, influence, and strength of character is well illustrated by his pivotal role as senate chairman of the appropriations committee since 1987.

In recent years, as the State underwent a major fiscal crisis, Joe understood the need for substantial spending cuts, government reorganization initiatives, and an overhaul of the State revenue system. Joe proved his commitment to good government through tough choices and difficult action.

In addition to his extensive duties and legislative assignments with the Legislature, Joe maintains his close ties to the community as an active member of many civic organizations, such as the Substance Abuse Action Council of Central Connecticut, the Nutmeg Games, Inc., and the American Indian Archaeological Institute. As an active member of the Democratic Party—on both the local and State levels—Joe regularly serves as an adviser and confidant not only to freshmen legislators and legislative staff, but also to seasoned veterans and candidates.

On a personal note, I know Joe often skillfully prepares gourmet meals and shares my great love for fishing. An avid student of the German and Italian languages, he is also a key player in the Legislative Partnership Group, which aims to develop a sister State relationship between Connecticut and the German State of Baden-Wuerttemberg. He also plans to complete his doctorate in history or political science and teach at the university level.

In light of his distinguished and impressive record of accomplishment, Joseph H. Harper, Jr., clearly has made a significant and positive impact on the citizens of Connecticut. It is without

question that he will be recognized—far into the future—for his prominent leadership, sound judgment, and respectful consideration. As both his colleague and friend, I am honored and proud to extend my sincere best wishes to him upon his upcoming retirement.●

TRIBUTE TO DUANE CIHLAR AND JERRY JUSSILA

● Mr. DURENBERGER. Mr. President, I rise today to pay tribute to Duane Cihlar and Jerry Jussila, employees of the U.S. Forest Service, who were honored Saturday by the 3M Corp. for their outstanding environmental leadership.

The honor comes from the very best of public and private partnerships that work so well in my State.

And this honor comes because these individuals worked with private citizens to bring back to reality the 40-mile and legendary Kekekabic Trail in the Boundary Waters Canoe Area Wilderness.

When budget matters forced the Forest Service to abandon the Kek, it didn't stop the interest of local residents to take up the responsibility. Martin Kubik, an avid hiker, and an outfitter by the name of Bill Rom, took steps to save the trail. Rom put down the money for tools. Kubik organized a volunteer group to clear 10 years worth of overgrowth from end to end. And the U.S. Forest Service, though it could not provide the money or the personnel to maintain the trail, provides the appropriate equipment to maintain the trail.

Why take such efforts with a trail in a remote region of the United States? Writer Kristin Hostetter describes the Kek:

To hike it, you have to struggle up bluffs on your hands and knees, wind around cliffs and glacier-carved lakes, slog through swamps and dense conifer forests, and traverse slippery riverbeds. But the rewards are many, among them are a glimpse of the black bears, moose, timber wolves, lynx, beavers, and white-tailed deer that pack the surrounding northwoods.

Mr. President, the Kek is not only a challenge to negotiate, but it presents an even greater challenge to maintain. The rewards to those who use the trail are rewarding to understanding wilderness life.

Not only is the Kek maintained, but together with the U.S. Forest Service, volunteers and a private contractor built a 32-foot wilderness bridge. This bridge received second place in the national U.S. Forest Service competition for primitive projects and was completely built with hand tools provided by the Forest Service. And the Forest Service provided equipment to help remap the trail using the global positioning system—the first such effort in the Midwest.

Mr. President, it is my honor to join 3M in thanking Duane Cihlar and Jerry

Jussila. They exemplify the very best in public service.●

TRIBUTE TO LOUISVILLE GAS & ELECTRIC CO.

● Mr. MCCONNELL. Mr. President, I rise today to pay tribute to the Louisville Gas & Electric Co. [LG&E] of Louisville, KY. This company has constantly upheld the utmost environmental standards since its creation many years ago and continues to do so today.

For this reason, the company was recently chosen by the Department of Energy's Office of Technical and Financial Assistance to receive the Special Recognition Award under the 1994 National Awards Program for Energy Efficiency and Renewable Energy. This award recognizes LG&E's efforts to benefit the Nation's environment, economy, and security.

Most recognizable of all of Louisville Gas & Electric's accomplishments is the natural gas vehicle fuels program established in 1991. This was the first company in the State to open a commercial natural gas refueling station. By September 1993, the station had over 120 natural gas-powered vehicle owners as regular customers, and the number continues to grow today.

Louisville Gas & Electric decided to invest in natural gas because of the fuel's ability to reduce all major pollutants produced by other gases. It reduces carbon emissions and nitrous oxides by 70 percent, carbon monoxides by 50 percent, and carbon dioxides by 30

percent. It also eliminates the potential threat of ground water pollution and contamination at the fueling station because natural gas dissipates quickly into the atmosphere when released rather than forming as a puddle on the ground.

In addition, natural gas costs close to 40 cents less per gallon than the gasoline currently used nationwide, ultimately benefiting the customer. The savings generated by LG&E's station will equate to almost 122,000 gallons of gasoline a year.

Mr. President, I would like to congratulate Louisville Gas & Electric on its accomplishments and wish this great company future success.●

ORDERS FOR TUESDAY, MAY 3, 1994

Mr. BRYAN. If my distinguished colleague has no further matters to bring to the attention of the body, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. Tuesday, May 3; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for a period up to 5 minutes each, with the first hour of morning business under the control of Senator COVERDELL or his designee, and the

next hour of morning business under the control of Mr. DASCHLE or his designee, with the following Senators recognized for the time limits specified after the first 2 hours of morning business: Senator HATCH and Senator MURKOWSKI for up to 15 minutes each, and Senator STEVENS and Senator COHEN for up to 10 minutes each; that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:30 p.m. in order to accommodate the respective party conferences; and that at 2:30 p.m. the Senate resume consideration of S. 783, the consumer reporting reform bill.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. No objection.

The PRESIDING OFFICER. The Chair hears none, and it is ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BRYAN. Mr. President, if there is no further business to come before the Senate today, and no other Senator is seeking recognition, I ask unanimous consent the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 5:46 p.m., recessed until Tuesday, May 3, 1994, at 9 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate May 2, 1994:

DEPARTMENT OF COMMERCE

WILLIAM ALAN REINSCH, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION.